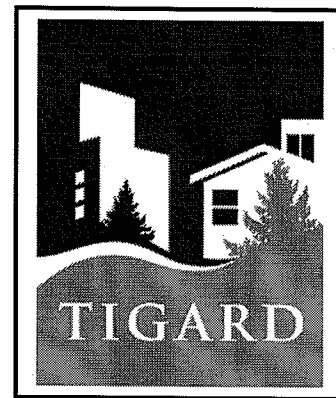




TIGARD CITY COUNCIL
MEETING

May 9, 2006 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

AGENDA

TIGARD CITY COUNCIL MEETING

6:30 PM

- STUDY SESSION

- > City Manager Performance Review
 - Administration Staff
- > Entry Sign Design Review & Discussion
 - Administration Staff
- > Staff Report on House Interim Committee on Land Use Meeting
 - Community Development Staff

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss to review and evaluate the employment-related performance of the chief executive officer under ORS 192.660(2)(i). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. PROCLAMATIONS

- 2.1 Proclaim Emergency Medical Services Week, May 14-20, 2006
 - ♦ Mayor Dirksen

3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Tigard High School Student Envoy Krista Foltz
 - Acknowledge and Commend Krista Foltz for Her Efforts as the Tigard High School Student Envoy to the City of Tigard – Resolution No. 06-_____
 - ♦ Mayor Dirksen
 - Follow-up to Previous Citizen Communication
4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
- 4.1 Approve Council Minutes for March 28, April 4, 11, and 18, 2006
 - 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - 4.3 Approve Budget Amendment No. 12 to the FY 2005-06 Budget to Increase Appropriations in the Mayor and Council Budget for Funding of Expenditures for Family Week and Additional Travel and Training – Resolution No. 06-_____
 - 4.4 Appoint Patrick Harbison to the Planning Commission to Fill the Unexpired Term of Former Commissioner William Haack – Resolution No. 06-_____
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
5. UPDATE FROM THE YOUTH ADVISORY COUNCIL
- ♦ Staff Introduction: Administration Staff
 - ♦ Update: Youth Advisory Council Members
6. PUBLIC HEARING (QUASI-JUDICIAL) – COMPREHENSIVE PLAN AMENDMENT (CPA) 2004-00001/SENSITIVE LANDS REVIEW (SLR) 2004-00003 & 2006-00001/TREE REMOVAL (TRE) 2006-00001 through 2006-00009 - SW WALL STREET EXTENSION

REQUEST: As part of a capital improvement project, the applicant is requesting approval to build a 360-foot extension of SW Wall Street, east of SW Hall Blvd, between the Tigard Library and adjacent condominiums. As part of this extension, wetlands that are designated as locally significant will be impacted and reconfigured. To conduct this work, a comprehensive plan amendment is required. Sensitive Lands reviews are required for impacts to wetlands and Pinebrook Creek, a tributary to Fanno Creek. A number of

trees in the sensitive land areas will require removal to accommodate the grading and construction of the roadway requiring Tree Removal permits. The applicant has requested concurrent review of all these permit applications. The Wall Street extension will provide a joint access to both the Tigard Public Library and the Fanno Pointe Condominiums to satisfy obligations to the Oregon Department of Transportation (ODOT) which allowed temporary access to the Condominiums and the Library from Hall Boulevard. This 360-foot extension will terminate on the west side of Fanno Creek and west of its 100-year floodplain. Future extensions of SW Wall Street across Fanno Creek will require a separate review and approval by the City, State and Federal agencies. **LOCATION:** SW Wall Street unimproved right-of-way, east of SW Hall Boulevard, south of the Tigard Public Library, and north of the Fanno Pointe Condominiums; Washington County Tax Assessor's Map 2S102DD, Tax Lots 200, 300 and 90000. **ZONE:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. **COMPREHENSIVE PLAN DESIGNATION:** Medium-Density Residential and Open Space. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.385, 18.390, 18.510, 18.775, 18.790, 18.795 and 18.810.

- a. Open Public Hearing – Mayor
- b. Statement by City Attorney Regarding Procedure
- c. Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
 - Have all members familiarized themselves with the application?
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
- d. Staff Report: Community Development Staff
- e. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal/Final argument by applicant
- f. Staff Recommendation
- g. Close Public Hearing
- h. Council Discussion and Consideration: Ordinance No. 06-_____

7. CONSIDER PARTICIPATION IN THE PROPOSED WILLAMETTE RIVER WATER COALITION (WRWC) PROJECTS

- a. Staff Report: Public Works Staff
- b. Council Discussion
- c. Council Consideration of the Intergovernmental Water Board's (IWB) Recommendations on the proposed WRWC Projects and Direct Staff to Prepare a Response to the WRWC Consistent with the IWB's Recommendations

8. REPORT FROM THE MAYOR AND COUNCIL MEMBERS ON THE NATIONAL LEAGUE OF CITIES CONGRESSIONAL CITY CONFERENCE
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

PROCLAMATION

Emergency Medical Services Week

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and appropriate use of the EMS system will help reduce national health care costs.

NOW THEREFORE BE IT RESOLVED THAT I, Craig Dirksen, Mayor of the City of Tigard, Oregon, do hereby proclaim the

Week of May 14 – 20, 2006

Emergency Medical Services Week

in Tigard, Oregon and encourage our citizens, businesses and organizations to observe this week with appropriate programs, ceremonies and activities.

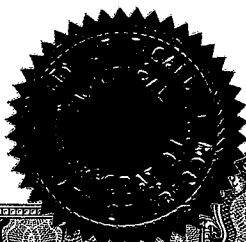
Dated this _____ day of _____, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder



Agenda Item #

3

Meeting Date

May 9, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Acknowledge and Commend Krista Foltz for Her Efforts as the Tigard High School Student Envoy to the City of Tigard

Prepared By: Cathy Wheatley *(Cathy)* Dept Head Okay RAJ City Mgr Okay CL

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Should the City Council acknowledge and commend Krista Foltz for her efforts as the Tigard High School Student Envoy to the City of Tigard?

STAFF RECOMMENDATION

Adopt the proposed resolution.

KEY FACTS AND INFORMATION SUMMARY

Ms. Krista Foltz is the Tigard High Associated Student Body President and served during this school year as the Tigard High School Student Envoy to the City of Tigard. Ms. Foltz gave the City Council timely and informative updates about student activities. These activities included students' efforts to perform service and assist community members in need. Ms. Foltz's reports gave the community an opportunity to hear about the positive activities Tigard High School students performed.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal – Improve Communication and Relationship with Citizens, including connecting Council with students in schools.

Two target areas benefit from the Student Envoy Program:

1. Community Character & Quality of Life
Communication Goal: The City will maximize accessibility to information in a variety of formats, provide opportunities for input on community issues, and establish effective two-way communication.
2. Schools & Education
Two-Way Communication Goal: School districts will ensure effective two-way communication to the entire community by regularly providing information about school-related issues.

ATTACHMENT LIST

Proposed resolution.

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION ACKNOWLEDGING AND COMMENDING KRISTA FOLTZ FOR HER SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

WHEREAS, a goal of the Tigard City Council is to connect with students in schools to improve communications and relationships; and

WHEREAS, City of Tigard elected and appointed officials appreciate the monthly student activity updates from Tigard High School Student Envoy Krista Foltz; and

WHEREAS, the activities coordinated by Tigard High Associated Study Body President Krista Foltz and her fellow student leaders benefited students and the Tigard community.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard Council and staff members hereby convey their gratitude to Krista Foltz for her exemplary service as Tigard High School Student Envoy to the City of Tigard.

SECTION 2: The City of Tigard Council and staff members hereby extend congratulations and wishes for future health and success to Tigard High School Graduate Krista Foltz.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Agenda Item No. 4.1
For Agenda of 5/9/06



Tigard City Council Meeting Minutes

Date: March 28, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Tom Woodruff
Absent: Councilor Wilson

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<p>> Police Holding Facility Tour and Audit</p> <p>The Mayor and Council toured and inspected the Police Department temporary holding facility as recommended during a recent audit by the State Department of corrections. The State inspection report is on file in the City Recorder's office.</p> <p>> Review of Fiscal Year 2006-07 Community Event Funding Requests</p> <p>Staff presenter: Finance Director Sesnon.</p> <p>City Council reviewed the applications for Community Event Grants, which are on file in the City Recorder's office.</p> <p>According to the funding policy of the Budget Committee set in prior years, \$49,400 is available for these requests. The applications received total \$48,400.</p> <p>Council members discussed the application grants. Below are key points of the discussion:</p> <ul style="list-style-type: none">♦ There was discussion about concerns regarding the Balloon Festival which is now charging the Caring Community \$2500 for tent rental in addition to a surcharge to those	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>attending the fundraising event. Council consensus was to ask event organizer Dave Nicoli, to attend an upcoming Council meeting to discuss the Festival's budget and charges for the event. There was brief discussion about the amount of the City's contribution including the in-kind support from the Police and Public Works Departments.</p> <p>The Balloon Festival is one of the city-sponsored events for which there is a sponsorship agreement. In order to change City funding, the agreement states that one year's notice must be given.</p> <ul style="list-style-type: none"> ◆ 4th of July – This is a free family event. ◆ Tualatin Riverkeepers – During discussion, it was noted that this organization has filed legal actions against the City. It was agreed that such activity should be reviewed and a report given to the Budget Committee before final funding commitment of the grant requested. Staff was also requested to find out what other jurisdictions are contributing to the Riverkeepers. ◆ The Chamber of Commerce requested funds for a Leadership Institute. The understanding was that this Institute would augment the City's program. More information about how much the Chamber would charge participants was requested by the City Council to be included as part of the presentation information for the Budget Committee. <p>> Regulation of Payday Lending Businesses</p> <p>Staff presenter: Finance Director Sesnon</p> <p>Mayor Dirksen requested that staff research and bring forward for City Council discussion possible regulations for payday lending businesses within the City of Tigard. The staff report to the City Council outlined the activity of these lending businesses, the inaction at the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>state level to adopt regulations, and how some municipalities have enacted ordinances to regulate these businesses within their jurisdictions. The City of Portland, which enacted an ordinance to regulate this type of business, has been sued by one of the businesses affected. After discussion, City Council consensus was for staff to monitor what the result is in other jurisdictions with regard to legal challenges. City Attorney Firestone advised it is likely there will be a trial court decision within the next year.</p> <p>> Discuss Action to Terminate the Urban Services Intergovernmental Agreement with Washington County. (See agenda Item No. 9). Staff will advise Council on the background of the Urban Services Agreement and why a change is now being recommended.</p> <p>> City Attorney Firestone noted that if public comment is offered on a possible application for a Wal-Mart store at a Tigard location, Council members will need to declare any information they hear as an ex parte contact if this matter should, in the future, come before the Council during a land use hearing. City Manager Prosser advised that there has been speculation about a Wal-Mart store locating in Tigard, but City officials do not know for certain if it is a Wal-Mart.</p>	
Study Session – Administrative Items	<p>> Items for Tonight's Business Meeting</p> <ul style="list-style-type: none"> - A revised agenda was distributed with the following changes noted: <ul style="list-style-type: none"> - Added 1.5 – Status Community Attitude Survey and Schedule Meeting – A Special City Council Meeting will be held on April 4, 2006, to discuss the survey. - Added 9 – Discussion of Urban Services Intergovernmental Agreement - Revised Packet Materials <ul style="list-style-type: none"> - Item 3.5 – Attached is a revised 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Resolution for the Skate Park Grant Application. The 4th "Whereas" clause now reads: "WHEREAS, the City Council selected the City Hall parking lot area as the preferred City-owned site valued at \$195,000; and"</p> <p>> Procedure for City Manager Review – Councilor Sherwood and Councilor Woodruff are reviewing formats and examples for evaluations and will present a proposal to the Mayor and Council. Councilor Harding requested to review all the forms. The City Manager Review is tentatively scheduled for April 25, 2006.</p> <p>> Chamber Shining Stars Banquet RSVP: Mayor Dirksen (2); Councilor Sherwood (1); Councilor Harding (1); Councilor Woodruff (2). Also attending Police Chief Dickinson (1).</p>	
	Study Session concluded at 7:25 p.m.	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council, the Local Contract Review Board, and the City Center Development Agency to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, and Woodruff. Council Absent: Wilson</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Councilor Sherwood mentioned we are in the process of redoing the Comprehensive Plan.</p> <p>1.5 Status Report of Community Attitude Survey</p> <p>Councilor Sherwood noted that a firm has been chosen to conduct a Community Attitude Survey, which will be used to find out what people want. The Council will be meeting in the next week to help formulate survey questions.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>2. Citizen Communication</p>	<p>2.1 Tigard High School Student Envoy Krista Foltz gave a report on recent and future activities. A copy of report highlights is on file in the City Recorder's office.</p> <p>2.2 Pam Brown, representing the Tigard Chamber of Commerce noted that their Shining Stars Banquet will be held at Crown Plaza from 6-9 p.m. on April 21. Ms. Brown asked the Council for their support of Oregon Army National Guard's 41st Brigade Combat Team, being mobilized for active duty. The American Legion Post 158 and the VFW have given their support. Mayor Dirksen read and presented a Proclamation Adopting the Headquarters and Headquarters Company 41st Brigade Combat Team for the purpose of helping to generate local support from Tigard area businesses and citizens for the soldiers and families of this unit. The American Legion gave the City a Blue Star Flag in honor of the 41st Brigade.</p> <p>2.3 City Attorney Ramis cautioned that citizen comments at this point in the meeting are limited to items not on the agenda. He asked that those wishing to address a particular issue hold their comments until the agenda item comes up. If anyone wants to speak on a particular land use issue, their comments to the Council now would be considered ex parte communication and Council has been advised not to speak on those topics.</p> <p>Sue Bielke, of 11755 SW 114th Place, Tigard, OR 97223, spoke about her concern that not enough citizens are involved in the comprehensive plan update or are educated about how to get involved. She said there may not be enough citizen input. Mayor Dirksen pointed out that the members of the Planning Committee are citizens of Tigard. He suggested that people read the Cityscape. Ms. Bielke said she was glad the City is doing a survey. Councilor Sherwood noted that Council has asked for a complete update of the</p>	<p>Report/no action</p> <p>Councilor Harding asked staff to report to the Council whether any City employees have been called to active guard duty.</p> <p>The Blue Star Flag will hang in the window of the City Hall lobby.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>plan this year. They have just started and there is citizen involvement planned. She said people will hear more about this as the year progresses.</p> <p>Representative Larry Galizio, of 16455 SW 93rd Avenue, Tigard, OR 97224, expressed concern about a pre-application submittal for a large retail store. He said he believed this proposed site is for a Wal-Mart but their strategy is not to put their name on the application. He wrote a letter to Wal-Mart's corporate leadership asking for confirmation but has not yet received a reply. He said he has formed a new group, "Tigard First," to seek honest answers and help make informed choices. He urged the City Council to take steps, before this application becomes final, to get more public input. He is very concerned about the impacts on traffic, small businesses, the environment, health care, as well as Tigard's proposed downtown revitalization. He asked the Council to take action now and look at the effects of these big box stores and demand more time for public scrutiny.</p> <p>Councilor Harding agreed that the Council does have responsibilities before them but on the other hand, Measure 37 must be factored in. She asked for his help in the state legislature fixing Measure 37.</p> <p>Mayor Dirksen said development of any kind is worthy of close scrutiny. He said the city has not spoken to Wal-Mart or anyone who is representing Wal-Mart.</p> <p>John Frewing signed up to speak but was not present. Sue Bielke turned in his written comments to the City Attorney. The City Attorney said the issue he signed up for already had a public hearing so his comments received tonight will not be entered into the public record.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Consent Agenda	3.1 Approve Council Minutes for February 14 and 21, 2006	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to approve the Consent Agenda with the revised Agenda Item 3.5.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>
	3.2 Approve City Center Development Agency Minutes from February 21, 2006	Approved
	<p>3.3 Appoint New Members to the Building Appeals Board: Michael Kringlen, Doug Colling, Jeff Jurrens, Eric Watson, Gerald McKee, and Alan Mitchell – Resolution No. 06-12</p> <p>RESOLUTION NO. 06-12 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING MICHAEL KRINGLEN, DOUG COLLING, JEFF JURRENS, ERIC WATSON, GERALD MCKEE AND ALAN MITCHELL TO THE TIGARD BUILDING APPEALS BOARD</p>	Approved
	3.4 Approve Library Policies	Approved
	<p>3.5 Approve Submission of a Grant Application to Obtain Matching Funds to Construct the Jim Griffith Memorial Skate Park</p> <p>RESOLUTION NO. 06-13 – A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARK AND RECREATION DEPARTMENT (OPRD) AN APPLICATION FOR STATE FUNDS AVAILABLE THROUGH THE STATE OF OREGON'S LOTTERY LOCAL</p>	Approved

Agenda Item	Discussion & Comments	Action Items (follow up)
	GOVERNMENT GRANT PROGRAM AS A MEANS FOR PROVIDING MATCHING FUNDS TO CONSTRUCT THE JIM GRIFFITH MEMORIAL SKATE PARK	
	3.6 Appoint Carol Krager as Deputy City Recorder RESOLUTION NO. 06-14 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING CAROL KRAGER AS DEPUTY CITY RECORDER	Approved
	3.7 Local Contract Review Board a. Award Contract to Morse Brothers, Inc., for the Construction of the Fiscal Year 2005-06 Pavement Major Maintenance Program (PMMP) – Phase 2 b. Award Contract to NW Kodiak Construction for the Construction of Highland Drive Storm Drainage Improvements	Approved
4. Public Hearing - 2006 U.S. Dept. of Justice/ Edward D. Byrne Memorial Justice Assistance Grant (JAG)	PUBLIC HEARING – 2006 US DEPARTMENT OF JUSTICE/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) Mayor Dirksen opened the public hearing. Police Chief Dickinson reported that the city is eligible to receive \$12,001. Holding a Public Hearing is a condition of accepting these grant funds. The Police Department recommends that the funds be used for cellular air cards which will improve service to all parts of the city, which they are presently experiencing some difficulty reaching, through WCCCA. Additionally, these air cards would enable the department to transmit photos to officers in the field. Councilor Woodruff commented that the biggest expense is the monthly air time. He asked if this grant only pays for the first 12 months. Chief Dickinson said it could, but the city has received this grant every year. He said they could compare what is being paid to WCCCA and the service the city is receiving from them. When asked by Councilor Harding if the grant could be used for anything else, Chief Dickinson said they do have the opportunity to change their minds. He discussed current	Motion by Councilor Woodruff, seconded by Councilor Sherwood to approve the grant application. The motion was approved by a unanimous vote of Council present. Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>WCCCA upgrade activity.</p> <p>As no one had signed up to speak, Mayor Dirksen asked those present if there was anyone wishing to offer public testimony. There was none.</p> <p>Mayor Dirksen closed the public hearing. Councilor Woodruff advised caution with using grants for on-going obligations.</p>									
5. Further Consideration and Deliberation of a Resolution Adopting Additional Findings and Imposing an Additional Condition for the LUBA Remand of Ash Creek Estates Subdivision	<p>The City Attorney noted that after the Land Use Board of Appeals deliberated this item, staff prepared comments reflecting those findings and an additional condition. The staff recommendation is to approve Resolution 06-15.</p> <p>RESOLUTION NO. 06-15 – A RESOLUTION AND FINAL ORDER SUPPLEMENTING RESOLUTION 06-09 APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/ PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037) – ON REMAND FROM LUBA; AND ADOPTING ADDITIONAL FINDINGS AND IMPOSING AN ADDITIONAL CONDITION</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to adopt Resolution No. 06-15.</p> <p>The motion was approved by a 3-1 vote of the Council present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>No</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	No	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	No									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									
6. Formation of Sanitary Sewer Reimbursement District No. 36 (SW 93 rd Ave.)	<p>Mayor Dirksen opened the public hearing. The City Attorney asked for any declarations or challenges. City Engineer Duenas presented a report on formation of this sewer reimbursement district. He noted that this will be constructed this summer. The updated budget estimate is \$506,305. Two lots are too deep to be served by this line. In response to a question from Councilor Harding, City Engineer Duenas advised the budget estimate was based on the soils report and engineering fees have been added.</p> <p>Councilor Sherwood asked about two lots unable to be served by this line. Mr. Duenas said one could gain access to sewer from another street. He notified the other property owner but did not receive a</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to adopt Resolution No. 06-16.</p> <p>The motion was approved by a unanimous vote of the Council present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>response.</p> <p>Councilor Woodruff asked if any property owners of this proposed district were in attendance and several people stood. He asked Mr. Duenas to make sure we let them know what the next step is and keep them informed.</p> <p>Larry Caufield, 9145 SW Mountain View Lane, Tigard, asked how long construction would take. Mr. Duenas replied that it would take 45 days after the bid is awarded and the pre-construction meeting takes place. Mr. Caufield asked what the amount of the contingency was. Mr. Duenas said there was 15% for contingencies and 13 ½% was added for administration and engineering fees.</p> <p>There being no further public testimony, Mayor Dirksen closed the Public Hearing.</p> <p>RESOLUTION NO. 06-16 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 36 (SW 93RD AVENUE)</p>									
7. Express Support to Include Certain Key Projects in the 2008-2011 State Transportation Improvement Program (STIP)	<p>City Engineer Duenas gave a PowerPoint presentation on ODOT's STIP (State Transportation Improvement Program) project categories and list of projects. He highlighted those projects listed that will benefit Tigard:</p> <ul style="list-style-type: none">• I-5 SB/I-205 merge acceleration lane• I-5 Wilsonville interchange• Hall Blvd. paving (the section from Scholls Ferry to Durham Road especially)• Hwy 99 railroad bridge (current bridge is not designed for overweight loads and does not meet seismic requirements). The city can get involved in the design especially pier spacing and the potential for aesthetic improvement) <p>Councilor Harding noted that we have received support from other jurisdictions for ODOT projects that benefit Tigard.</p>	<p>Councilor Sherwood motioned to approve Resolution No. 06-17 and Councilor Harding seconded the motion.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
	RESOLUTION NO. 06-17 – A RESOLUTION PROVIDING CITY COUNCIL INPUT INTO THE DRAFT 2008-2011 STIP (STATE TRANSPORTATION IMPROVEMENT PROGRAM) AND EXPRESSING STRONG SUPPORT FOR INCLUSION OF CERTAIN KEY PROJECTS IN THE FINAL STIP	
8. Presentation on the City's Participation in the Healthy Streams Plan	<p>Surface Water Quality/Volunteer Coordinator Staedter gave a PowerPoint presentation on Tigard's participation in the Healthy Streams Plan. She discussed the City's targeted goals relating to tree planting, outfalls and culverts. Benefits of healthy stream practices in the Tigard area include improved fish habitat and passage, stream structure stabilization, erosion control, and stream bank protection. She reported that 125 community volunteers planted 1,250 trees on March 4, 2006.</p> <p>She wanted to alert the Council to a future item for the next business meeting. There will be consideration of an Intergovernmental Agreement with Clean Water Services for a large restoration on Fanno Creek. Councilor Woodruff thanked her for the report and for her passion about taking care of the environment.</p> <p>Mayor Dirksen also expressed his appreciation and said it was a tribute to the community that such a large number of citizen volunteers came out to plant trees this winter.</p>	
9. Consider Action to Terminate the Urban Services Intergovernmental Agreement with Washington Co.	<p>Interim Community Development Director Coffee gave historical background on the Intergovernmental Agreement between Washington County and Tigard that allowed Tigard to provide development review, building inspection services and road maintenance to the unincorporated area of Bull Mountain. Properties have been annexed, mostly contiguous with Tigard, but a few were not contiguous. Some projects have been controversial.</p> <p>At the time the IGA was drawn up, Washington County acknowledged that accessibility to services in Tigard would be closer for this area than</p>	Motion by Councilor Woodruff, seconded by Councilor Sherwood to direct staff to notify Washington County that the Tigard City Council wishes to terminate the existing Urban Services Intergovernmental Agreement and to work with Washington County officials to determine if modifications could be made for terms of a new

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>Washington County, which is located in Hillsboro. Washington County also assumed that this area, located in the urban growth boundary, should eventually annex to Tigard and the County would not oppose this annexation. At this time, most developable land is developed and most lots are subdivided.</p> <p>Washington County discussed terminating or amending this agreement at their workshop meeting, attended by City Manager Prosser and Interim Community Development Director Coffee, who delivered a draft letter from Mayor Dirksen. The County will be making a decision tonight on this matter as 90-day's notice must be given to terminate and the agreement ends or is extended in July.</p> <p>City Manager Prosser referred to a letter written to Washington County by the Friends of Bull Mountain, dated February 24, 2006. A copy was not sent to the City but Washington County provided one to the City Manager. He said this letter contained several points that are factually incorrect and he clarified those points below.</p> <p>The letter indicated that Tigard withheld building and occupancy permits - it did not. There was one instance where an occupancy permit was withheld. for Alberta Rider School because the project manager needed to obtain building permits. He said the letter stated that Tigard collected System Development Charges and didn't account for them. He said that is absolutely incorrect. Concerns were expressed in the letter that Tigard collected traffic impact fees (TIF's) and used them to make improvements within the City. In fact, the City has done that (with the approval of the County) on those roads that serve Bull Mountain and help residents access their residential areas and travel to areas within the City. Accounting for these funds was provided to the Friends of Bull Mountains numerous times.</p> <p>The letter stated that Tigard disregarded the requirements of the Bull Mountain Community Plan. City Manager Prosser said if you look at the development pattern on Bull Mountain you will see</p>	<p>agreement.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>that it has developed as provided in the plan. High density areas are located on the lower part of the mountain and less density on the upper part. He said they are concerned that the City has not provided parks. This is part of a larger issue and as Council is aware, the City has developed a list of properties it is pursuing.</p> <p>He said the Friends stated that termination of the IGA would prevent future annexations. That is incorrect. As property owners continue to come to the City and voluntarily request annexation, it will continue to process those requests. He said this IGA has no effect on annexation.</p> <p>The Washington County Commissioners' meeting tonight was attended by Assistant to the City Manager Newton. She reported the County had voted to provide written notice of termination of the Urban Services Intergovernmental Agreement to the City of Tigard, effective July 1, 2006; and that the County desires to enter into negotiations with the City about a possible modified agreement.</p> <p>Ms. Newton said the Commissioners focused on the positive partnerships between Tigard and Washington County and that this did not imply any criticism of the City of Tigard.</p> <p>Councilor Harding expressed concerns about the process used to reach the agreement to terminate. She would have liked all parties concerned to meet on this at the same time.</p> <p>Councilor Sherwood said the City needs to focus on our Comprehensive Plan and urban renewal; things going on in our own city.</p> <p>Councilor Harding said she would like to see Tigard be the best it can be, living within its boundaries. She noted the amount of conflict brought forth by this issue and unincorporated area residents are now able to take their issues to the County.</p> <p>Councilors Woodruff and Harding asked if Tigard would be eliminating positions now that it is not</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	collecting SDC's from Bull Mountain. City Manager Prosser said two new positions for plan review and inspection had been added to the proposed budget. They will be removed. However, if the agreement is delayed, these positions may be filled temporarily. Once City staff hears from the County, staff will return to the City Council for additional direction.	
	Meeting adjourned at 9:40 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>

Attest:

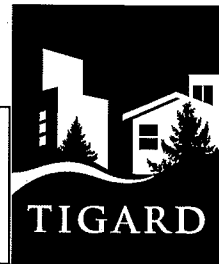
Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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Agenda Item No. 4.1
For Agenda of 5/9/06



Tigard City Council Special Meeting Minutes

Date: April 4, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Absent: Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting		
Discuss Community Attitude Survey with Consultant from Riley Associates	<p>Staff Presenter: Interim Community Development Director Coffee</p> <p>Interim Community Development Director Coffee introduced Mike Riley from Riley Associates.</p> <p>Mr. Riley reviewed the scope of the upcoming community attitude survey and asked for City Council input on what the survey should accomplish.</p> <p>Key points of the discussion included:</p> <ul style="list-style-type: none"> ♦ Is the City delivering the right kind of services? ♦ A gap analysis could be done; that is, how well is the City providing service compared to the ranked importance (satisfaction compared to importance). ♦ This first survey will be a baseline with a follow up survey recommended every other year. ♦ Test key services, including: public safety, library, water, public works, planning, and fiscal responsibility. ♦ Tigard Beyond Tomorrow survey was open 	<p>Staff will keep the City Council informed of status of survey. City Council will have an opportunity to review draft questionnaire.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>ended and serves as an indicator of issues.</p> <ul style="list-style-type: none"> ◆ How is the City doing with long-range planning? Ask questions regarding what should be addressed in the Comprehensive Plan Review. ◆ What are other issues besides Bull Mountain; e.g., growth, types of development? ◆ Is there support for design review, regulated growth, or objective vs. discretionary rules? ◆ Does the community want to see upzoning of older neighborhoods? ◆ Would the community support more row housing development? ◆ Tie questions to performance objectives. ◆ Attempt to involve citizenry to determine what they will pay for. ◆ Reference made to the City of Arcadia, California survey as a resource. ◆ Discussed positions favoring growth vs. no growth. ◆ How do citizens want the City to manage growth? ◆ Use information from the parks survey; refine and build off of it. For example, if in favor of more parks, would the support be for developed parks or greenspace (in terms of percentage). ◆ Find out what people mean by greenspace: no public access vs. pedestrian trails. ◆ What do citizens expect from government and at what cost? ◆ Purpose of questions on survey would be to determine a balance of cost and services wanted. ◆ Reviewed types of open ended questions: What do you value? What issues should City Council address? Then, drill down to specific issues on parks, traffic, and development. Determine what are most important services associated with relative costs. ◆ People might not understand what things cost. ◆ If it is discovered, through the survey, there is dissatisfaction with a certain area, then the 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>City staff/Council can proceed with follow up measures.</p> <ul style="list-style-type: none"> ◆ Discussed possibility of specific questions on policies to be considered. ◆ Determine how the City is doing and what should the City focus on in the future? ◆ Potential topic areas: livability, parks/recreation, schools, housing, communication improvements. ◆ How does the public prefer communication? ◆ What are some suggestions to increase public involvement? ◆ Solicit improvement suggestions for the Cityscape and the website. ◆ Solicit suggestions about programs and events the City could offer. ◆ How do people feel about specific items: e.g., street maintenance, Hwy 99/McDonald intersection improvements. ◆ What is the community's perception of community aesthetics; e.g., derelict properties, code enforcement (weeds), right of way maintenance, community appearance, and signs? ◆ Solicit input on entry monuments. ◆ What would the community like to see in the future in the downtown? Is there support for a community gathering place? ◆ Gauge environmental sensitivity of the community. ◆ Compare results with the Metro survey. ◆ Ask more than one question about public safety. Do people feel safe? ◆ Discussed the large list of potential questions that could be generated; pare back so survey will take 12-15 minutes. ◆ Reviewed how this scientific survey would be conducted (random telephone numbers). ◆ Attempt to determine geographic distribution of respondents (e.g., what is the nearest school, park, or major street?). ◆ Launch survey after the May 16 election; survey will take about a week to conduct. 	

2:25 PM

Agenda Item	Discussion & Comments	Action Items (follow up)
Non Agenda	<ul style="list-style-type: none">♦ Mayor Dirksen will be absent from the April 25, 2006, City Council meeting.♦ City Council agreed to convene into an executive session at 6 p.m. on April 18, 2006, to discuss labor relations.	
Adjournment	The meeting adjourned at 7:36 p.m.	

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date:_____

Agenda Item No. 4.1
 For Agenda of 5/9/06



Tigard City Council Meeting Minutes

Date: April 11, 2006
 Time: 6:30 p.m.
 Place: Tigard City Hall, 13125 SW Hall Boulevard
 Tigard, Oregon
 Attending: Mayor Craig Dirksen Presiding
 Councilor Sally Harding
 Councilor Sydney Sherwood
 Councilor Nick Wilson
 Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session		
Administrative Items	<p>Senior Planner Nachbar presented a video production regarding the citizen-driven Downtown Plan. This video will be cablecast on the community access channel. Attorney Gary Firestone reviewed the video to assure that it did not violate election laws since there is a measure on the May 16 ballot which will affect the downtown. The edits suggested by Attorney Firestone were made.</p> <p>Council was reminded of the Employee Recognition Event schedule for Wednesday, April 19. Council was also reminded of a 6 p.m. start time for the April 18, 2006, City Council meeting.</p> <p>City Manager Prosser reviewed information he had received regarding a Metro/Bull Mountain meeting to gather information about formation of a city on Bull Mountain. This meeting is being hosted by Metro for those interested in discussing the formation of a city. City Council members agreed the City of Tigard should have representatives at the meeting. There was discussion about steps required to form a new city, which includes coordination with neighboring taxing jurisdictions. At this time, no written information has been made</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>available for the public insofar as Washington County will be given the information before it is released to others.</p> <p>City Manager Prosser will keep the City Council informed about the meeting as he receives more information.</p> <p>Mayor Dirksen will be absent from the April 25, 2006, City Council meeting. Councilor Woodruff will be absent from the May 16, 2006, City Council meeting.</p> <p>Councilor Woodruff inquired about an e-mail received from a Bull Mountain resident inquiring whether the City had spent \$1 million in its Bull Mountain annexation proposal. Mayor Dirksen advised this e-mail had been addressed to him and he has asked staff to assist in preparing a response. Staff plans to respond by April 12, 2006.</p> <p>City Manager Prosser referred to a flyer sent to the City Council from Larry Galizio regarding a potential Wal-Mart store in Tigard. He reminded City Council that this is a potential land use issue for the City Council to review.</p> <p>City Council was reminded of the Tree Planting event at Charles F. Tigard School on April 13.</p> <p>City Manager Prosser will check on projects on the STIP list to determine if projects for this area of the County have been dropped.</p>	
<p>Study Session continued –</p> <p>Review of Proposed Amendment to the Tigard Municipal Code (TMC) to Allow Muffled Compression Brakes (Also,</p>	<p>Interim Community Development Director Coffee introduced Tualatin Valley Fire & Rescue (TVF&R) Division Chief Bernie Otjen who explained the purpose for the requested Code amendment. The TMC prohibits use of exhaust brakes (jake brakes) in the City of Tigard due to the loud noise they produce. TVF&R no longer uses the traditional jake brakes and has installed muffled compression brakes on their emergency vehicles. TVF&R has</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
See Agenda Item No. 6)	worked with other cities in their service district to obtain permission to use the muffled compression brakes to save money on vehicle maintenance.	
<p>Study Session continued</p> <p>Discuss City Manager Performance Review</p>	<p>Councilor Sherwood noted that she and Councilor Woodruff reviewed evaluation formats. There was discussion about receiving staff input in addition to the Council's review. Goals should be suggested and established for the City Manager by the City Council with regard to what is expected to be accomplished in the next six months. There was some discussion that a "360-review" could be conducted in September. City Council should mail evaluation forms to the Mayor. The Council will conduct the City Manager review on May 9, 2006. Councilor Sherwood will work with Human Resources Director Zodrow to finalize the evaluation form.</p> <p>City Council members also agreed to discuss a "City Council Report Card" evaluation to be conducted later this year. One suggestion was to have Department Heads and Boards and Commissions evaluate the City Council.</p> <p>Study Session concluded at 7:29 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:35 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>It was noted that there will be a discussion on</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	a request for a contribution to sponsor the June 3, 2006, Tualatin River National Wildlife Grand Opening Ceremony. (See Agenda Item No. 7)	
2. Proclamations	<p>Mayor Dirksen issued the following proclamations:</p> <p>2.1 Proclaim April 13, 2006, as Arbor Day</p> <p>2.2 Proclaim April 17-23, 2006, as Community Development Week</p> <p>2.3 Proclaim April 23-30, 2006, as Days of Remembrance – “From Liberation to the Pursuit of Justice</p>	
3. Citizen Communications	<ul style="list-style-type: none"> ◆ Tigard High School Student Envoy Krista Foltz gave a report on recent and future activities. A copy of report highlights is on file in the City Recorder’s office. One of the activities, an upcoming “Junk in the Trunk” event on May 6, 2006, will be displayed on the City of Tigard’s website. ◆ John Frewing, 7110 SW Lola Lane, Tigard, Oregon 97223, suggested a youth participation project for a biology class to research and identify heritage trees in the community. <p>Mr. Frewing requested a report from the City Council members who attended a recent National League of Cities Conference.</p> <p>Mr. Frewing referred to the change in posture regarding unincorporated Bull Mountain. He questioned how this would affect the City’s budget. Mr. Frewing said he would like to see sustainable City operations and asked for a report on how the City plans to address growth; i.e., what will Tigard need to continue to exist? Mayor Dirksen responded that City staff had proposed two positions to be added to the Community Development staff; however, with the recent decision to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>terminate the Washington County Urban Services Agreement, those positions will be deleted. Councilor Wilson advised that the change was not a great one insofar as it affects the planning staff now that Tigard will no longer perform development review for the unincorporated Bull Mountain area. City Manager Prosser added that, at this time, the extent of the impacts of this change is not known. City and County staff members will be discussing how projects will be reassigned. Mr. Frewing said he would like to see a "flat" budget representing a "no growth" stance for the area within the City limits.</p> <p>♦ Gretchen Buehner, 13249 SW 136th Place, Tigard, Oregon 97223, testified about her concerns with the Walnut Street Project. She noted the need for utility companies to coordinate installation of new services that requires digging up new pavement, which reduces the lifespan of the road. She also questioned the adequacy of the roadbed for the Walnut Street project. Another concern was whether franchise fees were enough to pay for the harm done to the life of the road when the pavement is cut open to install new utilities. City Manager Prosser noted that a street cut moratorium will be discussed by the City Council on April 18, 2006. Mayor Dirksen advised that Washington County is administering the Walnut Street project and he would be interested in getting more information on the concerns noted by Ms. Buehner.</p>	
4. Consent Agenda	<p>4.1 Approve Council Minutes for February 28, 2006</p> <p>4.2 Receive and File:</p> <p style="padding-left: 20px;">a. Council Calendar</p> <p style="padding-left: 20px;">b. Tentative Agenda</p> <p>4.3 Approve Extending the Current Terms of the Budget Committee Members for an Additional Six Months to Coincide with the</p>	<p>Motion by Councilor Harding, seconded by Councilor Sherwood, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Annual Budget Process – Resolution No. 06-18</p> <p>RESOLUTION NO. 06-18 – A RESOLUTION EXTENDING THE TERMS FOR CURRENT MEMBERS OF THE BUDGET COMMITTEE</p> <p>4.4 Approve Amendment No. 1 to the Greenburg Road Project Agreement with the Oregon Department of Transportation (ODOT) and Authorize the Mayor and City Recorder to Sign</p> <p>4.5 Approve Intergovernmental Agreement (IGA) with Clean Water Services (CWS) for Fanno Creek and Hiteon Creek Enhancement Projects and Authorize the Mayor to Sign</p> <p>4.6 Local Contract Review Board a. Award Contract for Audit Services to Grove, Mueller & Swank, P.C.</p>	<p>Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
<p>5. Consider Granting an Exemption from Property Taxes, Tigard Municipal Code 3.50 for Three Non-Profit Low-Income Housing Projects for Community Partners for Affordable Housing (CPAH) and One Housing Project for Tualatin Valley Housing Partners (TVHP)</p>	<p>Staff Presenter: Finance Director Sesnon</p> <p>Information contained in the City Council meeting packet was reviewed, which explained the request for the property tax exemption.</p> <p>After brief discussion, including comments of support of the requests and clarification that all taxing entities must approve the request, the City Council considered the proposed resolution.</p> <p>RESOLUTION NO. 06-19 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON-PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND ONE HOUSING PROJECT THAT IS OPERATED BY TUALATIN VALLEY HOUSING PARTNERS (TVHP).</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 06-19.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)										
6. Consider Amending Section 7.40.170.A of the Tigard Municipal Code to Permit Muffled Compression Brakes	<p>Staff Presenter: Interim Community Development Director Coffee. Also present was Tualatin Valley Fire & Rescue (TVF&R) Division Chief Bernie Otjen.</p> <p>(See Study Session discussion also on this topic.)</p> <p>The amendment request was outlined in the City Council packet information. The Code would still prohibit use of any type of compression brakes by non-emergency vehicles. By allowing TF&R vehicles to use muffled compression brakes, they save \$75,000 per year on vehicle maintenance.</p> <p>City Council considered Ordinance No. 06-03.</p> <p>ORDINANCE NO. 06-03 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE SECTION 7.40.170.A TO ALLOW THE USE OF MUFFLED EXHAUST BRAKES ON FIRE FIGHTING APPARATUS</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Wilson, to adopt Ordinance No. 06-03.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											
7. Discuss Request for a Contribution to Sponsor the June 3, 2006, Tualatin River National Wildlife Grand Opening Ceremony	<p>Staff Presenter: Associate Planner Roberts Also present: Norm Penner and Bill Shake representing Friends of the Refuge.</p> <p>The City Council was asked to consider contributing \$1,500 to sponsor the Grand Opening Ceremony.</p> <p>Mr. Penner reviewed a PowerPoint presentation with the City Council showing the refuge property and outlining National Wildlife Refuge System history. The Tualatin River Wildlife Refuge is one of only 10 urban refuges in the system. The Refuge will preserve valuable open space along the western edge of the urban area; provide nearby recreational, educational, and volunteer opportunities; and provide economic benefits to the community.</p> <p>Council members asked questions with regard to</p>	<p>A budget amendment resolution will be presented to the City Council for its consideration on April 25, 2006, to allocate \$1,500 from the General Fund to sponsor the Grand Opening Ceremony.</p>										

	the use of general fund dollars for this event. Mr. Penner outlined some of the expenses anticipated for the event.	
8. Council Liaison Reports	Councilor Sherwood noted she attended the CERT training sponsored by the City last week, which was held at the Library. She said she was the only one who attended and added that this training was very beneficial. There was discussion about urging Tigard businesses to attend. Councilor Sherwood advised that she was surprised at what she didn't know about being prepared for emergencies.	
Adjournment.	The meeting adjourned at 8:44 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard
Date:

Agenda Item No. 4.1
For Agenda of 5/9/06



Tigard City Council Meeting Minutes

Date: April 18, 2006
Time: 6:36 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council to Order at 6:36 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>City Manager Prosser said there were three housekeeping items under Item No. 10 requiring brief discussion.</p> <p>Mayor Dirksen noted that a request had been received for a reordering of the agenda. Agenda Items No. 4 and No. 5 have been switched to accommodate a speaker's schedule conflict.</p>	
2. Annual Joint Meeting with the Library Board	<p>Staff Presenter: Director of Library Services Barnes</p> <p>Library Board Chair Susan Turley introduced the other Library Board Members in attendance: David Burke, Brian Kelly, Cecilia Nguyen and Jan Thenell.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>A recent patron survey received 2,300 responses. Quality of service is rated excellent or good. Over 950 of those surveyed made comments and those were overwhelmingly positive.</p> <p>50% of library patrons do not use self-check-out. As this is really important to the library, they're starting a program called, "Self-help with a Smile" where staff will aid people and teach them to use the self-check-out machine.</p> <p>In response to a question from Councilor Harding regarding the Reference Librarian's role, Board Member Thenell said even though patrons are familiar with the internet they sometimes still need the assistance a Reference Librarian can provide.</p> <p>Mayor Dirksen asked about internet filters. Board Member Nguyen said Tigard Public Library has filters on the computers in the children's section but not in the second floor computer area. She said they are considering providing users with a choice of filters.</p> <p>Library Services Director Barnes said the City's Information Technology (IT) Department set up spam filters and the new filter system will address this as well.</p> <p>Board Member Thenell mentioned that library parking is a problem. Councilor Woodruff said they will gain spaces when the Wall Street construction is complete.</p> <p>Councilor Wilson said the current coffee vendor is leaving and asked about replacement plans. Board Chair Turley said they will be sending out a request for proposals.</p> <p>Mayor Dirksen said it is good to be able to say that the library has become everything that officials said it would when they sought the library bond measure.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>3. Presentation on 2006 Tigard Festival of Balloons</p>	<p>Public Works Director Koellermeier introduced Dave Nicoli who previewed the 2006 Tigard Festival of Balloons. It will be held at Cook Park on June 16, 17, and 18 and ReMax is the major sponsor.</p> <p>There will be live music on Friday and Saturday nights and a church band on Sunday. Their big challenge is to get people to attend during the day, as the morning lift-off and night glow are already popular. To this end, they've planned a 5K run, soccer tournament, car rally and carnival.</p> <p>Mr. Nicoli shared with the Council how the Balloon Festival is funded. He noted charging admission to the event has provided some funding stability. He reviewed the number of non-profit organizations that participate and benefit from the Festival. He discussed with Council Sherwood the Caring Community Fundraiser, which was negotiated to mutual satisfaction.</p> <p>Mr. Nicoli said he currently pays the salary for one full-time event organizer for the Festival. His goal is to eventually have the proceeds from the event pay for this person and have the festival become self-sustaining. He is also involving more people to help with different aspects of the event. He expressed appreciation to the City for its support, especially from the Public Works Section.</p> <p>Mayor Dirksen said the Balloon Festival is in many ways the signature event for the City</p>	
<p>5. (Agenda Item heard out of order)</p> <p>Discuss Greenburg Road Alternatives Analysis Report</p>	<p>Staff Presenter: Engineer Duenas Consultant: Randy McCourt, DKS Associates</p> <p>Mr. McCourt presented the findings of the Pacific Highway/Greenburg Road Alternatives Study.</p> <ul style="list-style-type: none"> Existing conditions: This is one of Tigard's busiest intersections. The level of service is rated D. The 99W corridor AM and PM peak hour arterial level of service is rated F. Problems come from the traffic volume, short distance between major intersection, i.e., Hall Blvd. and Greenburg Road, and queuing 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>overlap due to non-concurrent lights.</p> <ul style="list-style-type: none"> • Future conditions: There is an MSTIP Project planned for 99W/Hall Blvd. to add turning lanes. There will be an added eastbound lane from Greenburg to OR 217. <p>ODOT has the 99W bridge on its list of upcoming projects. Traffic signals on Hall/99W and Greenburg/99W can be coordinated.</p> <p>Mr. McCourt discussed several alternatives and findings with the Council.</p> <p>Tigard resident Gretchen Buehner stated that the city should look at piggybacking work on Greenburg Road onto the railroad overpass project.</p> <p>Councilor Woodruff said that this issue is so important and given the full meeting agenda he felt rushed for time. He wished to continue discussions at another time. City Manager Prosser asked if the Council would like to revisit this issue and the recommendations at a future workshop meeting. Discussion on this matter will be continued at the May 16, 2006 Council meeting.</p> <p>Mayor Dirksen said we can't be afraid of taking a hard look at all alternatives to come up with a long lasting solution. We need to have a policy and roadmap in place.</p>	
<p>4. (Agenda Item heard out of order)</p> <p>Discuss Washington Square Shopping Center with John Genovese Of Macerich Corporation</p>	<p>Community Development Director Coffee introduced John Genovese of the Macerich Corporation. Mr. Genovese expressed appreciation for the City's efforts to get the Washington Square expansion approved and underway. This investment attracted a lot of new retailers who wanted to be located at Washington Square.</p> <p>Mr. Genovese asked the Council what they would like to see at Washington Square. They want to consider Tigard's needs as they plan for the future.</p> <p>Mayor Dirksen said the Council looks at Washington Square as a regional center and how it</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>all works together, not just as a retailing area. He said they are interested in the effects overall that any concept plan would have. He referenced the prior discussion on traffic, noting that Greenburg Road and Hall Boulevard are two of the main access roads to Washington Square from Pacific Highway. He said these issues all knit together.</p> <p>Councilor Woodruff said he likes the visually interesting appearance of the new addition as seen from Highway 217.</p> <p>Councilor Harding said the signage is a little big and she'd like to see it toned down.</p> <p>Councilor Wilson echoed Councilor Woodruff's comments and said that in the planning for Washington Square to be part of the Regional Center, the vision is that it becomes Washington County's downtown. The County's largest hotel is in the area as well as Lincoln Center, its tallest building. He said there was underutilization of the intersection at 217 and Greenburg Road where the vacant theater is located. He hoped that, although they've concentrated on retail in the past, they'd consider mixed uses. He suggested building vertically – constructing housing or hotel above retail space in multi-story buildings.</p> <p>Mr. Genovese said they clearly are interested in mixed-use development such as hotel/residential/office. He said a perfect area for this kind of construction is Washington Square Too, where the vacant theater and some one-story buildings are now located. He said he would be happy to sit down with the City and discuss how to get this accomplished.</p> <p>The Council expressed interest in exploring the following:</p> <ul style="list-style-type: none"> ▶ Tie in to commuter rail line (perhaps there could be a people mover from the stop across 217/Hall to the Washington Square Regional Center) ▶ Tigard Police substation 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> ▶ Mixed-use building such as retail combined with office or residential ▶ Multi-story "European village" style buildings ▶ Hotel ▶ Conference and meeting room facilities ▶ Finding ways to show the partnership between the City of Tigard and Washington Square <p>Considerations:</p> <ul style="list-style-type: none"> ▶ Washington Square Regional Center designation ▶ Upcoming commuter rail ▶ Washington County's potential urban renewal strip along Highway 217 ▶ Urban renewal may be a way to pay for large-ticket items such as overpasses, etc. ▶ Major roads to Washington Square are Hall and Greenburg, two of Tigard's busiest roads. ▶ A partnership between Tigard and Washington Square might get ODOT's attention and get some relief for these roads. ▶ We are in the process of inviting PGE to move their headquarters to Tigard. ▶ Office space becoming scarce in neighboring cities creates an opportunity for us. <p>Councilor Woodruff asked if Washington Square would be interested in sponsoring the skate park. Mayor Dirksen said the city is looking for private corporate sponsors. Mr. Genovese said he would look into it.</p> <p>Councilor Sherwood thanked Mr. Genovese for allowing the Tigard Farmer's Market to relocate near the former theater site this year.</p> <p>Councilor Harding said that housing affordable to Washington Square employees should be considered if mixed-use construction occurs. Mayor Dirksen said there is a precedent for requiring a certain percentage be set aside for affordable housing and he thought the Washington Square Regional Plan addressed this.</p> <p>Councilor Woodruff said he appreciated Mr. Genovese coming to the workshop meeting and suggested meeting together at least once a year.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Mayor Dirksen called a 5 minute recess at 8:54 p.m.</p>	
<p>6. Joint Meeting with the Planned Development committee to Discuss Planned Development Code Revision</p>	<p>Mayor Dirksen reconvened the meeting at 9:00 p.m.</p> <p>Staff Presenters: Interim Community Development Director Coffee and Associate Planner Wyss.</p> <p>Planned Development Code Review Committee members present: Gretchen Buehner, Alice Ellis-Gaut, John Frewing and David Walsh</p> <p>Interim Community Development Director Coffee summarized the Committee's process and timeline. He noted that Council packets have copies of the Planned Development Code Committee Recommendations, including comments from the City Attorney and some recent comments from Committee Member John Frewing. A full copy of the report is available in the City Recorder's office.</p> <p>He said that concurrently, Associate Planner Wyss had been preparing a Buildable Lands Inventory. The Committee as well as the Planning Commission viewed this report at last night's joint meeting.</p> <p>He said the Committee realized that there may be revisions to their recommendations now that there is updated information on the type of buildable land left in Tigard. They want to make changes before their revision is put into ordinance form to go through the hearings process.</p> <p>Associate Planner Wyss gave a PowerPoint presentation of the Buildable Lands Inventory. The entire report is on file in the City Recorder's office.</p> <p>Councilor Wilson complimented staff on the report. He said it could help the City, during the Comprehensive Plan update, to focus efforts on present opportunities rather than reactions to the past. He recommended exploring unanticipated building in more depth to identify trends. He asked what happens when the City is completely built up. What is next?</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Interim Community Development Director Coffee discussed layering land values on the GIS information to compare building values to land values, and seeing where the potential for redevelopment exists.</p> <p>Planned Development Code Review Committee Member Buehner said it would have been helpful to them to have had the Buildable Land Inventory when they started their review. The goal of the Committee was to look at in-fill projects rather than just open spaces.</p> <p>The Planning Commission reviewed a draft of the Committee's proposed changes last month. In general, the Commission approved the draft with a few suggestions. The City Attorney made a few minor changes. She said they want to make these revisions before they bring it to the Council for their comments. She requested that the City Council give approval for the Committee to have two additional meetings over the next 60 days to finalize the language with the intent to bring the Code back to a Council Business meeting in July.</p> <p>Councilor Sherwood said the process of studying Tigard's Planned Development Code began because the Council wanted to eliminate density bonuses and lot-size averaging.</p> <p>Councilor Woodruff said density is an issue. He said citizens come to the Council complaining about density, thinking that density is the Council's only goal.</p> <p>Committee Member Buehner said preserving open space is very important to their Committee. She noted that the present code doesn't take storm water retention areas out of density calculations. That can make a difference in how we have to build.</p> <p>Ms. Buehner said the Committee's consensus was that some of the provisions they've suggested are on the nature of a pilot process that could be evaluated as we go through the Comprehensive Plan Review.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Some of the ideas they've looked at could be incorporated in subdivisions and other parts of the Code. It would give the city an opportunity to look at green streets and green building issues.</p> <p>Committee Member John Frewing said he didn't think the Buildable Land Inventory takes out seven acres of open space per 1,000 residents which is a City objective for parks. Mayor Dirksen said this means we need higher density somewhere else to make up for it.</p> <p>Committee Member Alice Ellis-Gaut said an alternative way to look at open space is not as recreational use space but rather as a wildlife corridor. A one-acre parcel that can't accommodate a picnic ground setting could be designed to have capacity for wildlife.</p> <p>Councilor Wilson gave some positive comments. He said the Committee made it clear that the Planned Development process is a discretionary one. It appears to him that the code is now saying to developers, "If you are not offering something back to us, then go through the straight subdivision process." He said that is the point of a planned development. As we get to smaller and smaller pieces of property there may be a time where they should not be developed until the properties can be aggregated and completely redeveloped. He said it appeared they addressed Council's major concerns about density – extremely dense projects right up against established neighborhoods – which has been a problem in the past.</p> <p>He noted a few areas that he wanted the Committee to look at more closely. He said that some items put into the Planned Development Code should belong to all development, i.e., the tree code. He saw some extra things that he wondered about the necessity of, such as the site analysis requirement. He encouraged them to look through it again for brevity and clarity.</p> <p>The City Attorney asked if applying a zoning overlay at the end of the process is necessary. He said it was not legally necessary and can cause a great deal of</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>expense and complication. He questioned whether the complication was worth some benefit.</p> <p>Applying the Planned Development process to commercial parcels was discussed.</p> <p>Interim Community Development Manager Coffee introduced the Committee's staff contact, Associate Planner Sean Farrelly. It was suggested that the City meet twice a month with the Committee and also with the Planning Commission once a month. They will bring a proposed draft back to the Council in 60 days.</p> <p>Mayor Dirksen stated his appreciation for the Committee's collaboration and how well they were working with the Planning Commission.</p>	
<p>7. Discuss Proposed Amendments to the Tigard Municipal Code to Create a Rights-of-Way Ordinance with a Street-Cut Moratorium</p>	<p>Staff Presenters: City Engineer Duenas and Right-of-Way Administrator Werner</p> <p>Right- of -Way Administrator Werner discussed the reasoning behind a street cut moratorium. Street deterioration due to street cuts costs the city money for maintenance, repair and rebuilding. Coordination of work on city streets would minimize public inconvenience, disruption and damage.</p> <p>Staff recommends that street cuts would not be allowed for five (5) years on newly constructed, reconstructed or improved streets.</p> <p>Further, street cuts would not be allowed within 400 feet of a major utility installation or upgrade occurring within the last year, as long as the utility requesting the cut had notice of a prior installation or upgrade. This applies regardless of the age of the street.</p> <p>Councilor Harding asked if there is presently a coordination policy. City Manager Prosser said it was only in the newer franchise agreements and only for telecom companies.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Councilor Sherwood asked if the City tracks which utilities are working on the streets. Right-of-Way Administrator Werner said that for most work a permit would have been obtained and those are tracked on a map. For those without a permit she said utility locates are painted on the street and the city can tell who patched it by what utility is located there.</p> <p>Councilor Sherwood asked if there was a way for the companies to post a bond to cover the damage they do.</p> <p>Ms. Werner said if it is not in the existing agreement with a utility they would have to wait until the franchise is up for renewal. City Manager Prosser suggested looking at the NW Natural franchise which is the latest one. He thought there was a requirement for them to post a bond for construction work but he was not sure if it was a for a longer term.</p> <p>Mayor Dirksen suggested reviewing the adequacy of the reconstruction requirements we have now. He felt this was a separate issue.</p> <p>The City Attorney said he agreed with the staff's process to get a revised draft out for industry comment. He reviewed and discussed the comments received from Qwest.</p> <p>Councilor Harding said we should apply these requirements to the City of Tigard as well. She said we would not be very good leaders if we don't.</p> <p>Mayor Dirksen said our own utilities should be subject to franchise agreements. He said we should consider charging ourselves franchise fees so those monies could be pulled and used for reconstruction or street improvements made necessary by our impacts.</p> <p>Right-of-Way Administrator Werner said the City Engineer could grant exceptions and emergency work would not be affected. Exploratory boring as required by state law for locating utilities prior to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>boring under a street is allowed.</p> <p>Ms. Werner said the City Engineer, when granting an exception to the street moratorium, could place conditions for street restoration. The utility would be required to restore the street to the condition it was in. She said this is a way of allowing utilities to do the work they have to do but making sure that our streets don't suffer. Exception denial appeals would be made to the City Manager.</p> <p>She said there is also a three-year review period that requires the City Engineer to review the policy for circumstances of exemptions granted and conditions imposed and fair and consistent application of limitations, exemptions and restoration conditions. At this time we would also review whether or not the policy was working to keep our streets in better condition.</p> <p>Ms. Werner said there is existing language in the Tigard Municipal Code regarding telecom utilities and staff recommends applying this to all utilities that use our rights of way. This Ordinance would combine two chapters on rights of way and construction standards, clarifying them and making them less redundant.</p> <p>Mayor Dirksen said he thought it was a good idea to give a year grace period.</p> <p>Engineer Duenas said that some agreements are signed by management for the utility companies but the person out doing the work on the street doesn't know what the agreement says.</p> <p>City Manager Prosser noted that a strong lesson learned from a right-of-way study done for the city was that we really do need to keep track of who is in the right of way and who is doing the work. Otherwise, you have no control of it.</p> <p>Councilor Woodruff said we should move ahead with getting comments from the utilities and give the message that we take this seriously.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>City Manager Prosser asked about setting penalties for cuts done in violation of the policy or done without a permit. He also asked what the best way to give notice would be – written notice or letting them know through the website.</p> <p>Councilor Sherwood wanted to have cost averages of what it costs to repair the roads so that we have some amounts for fines to levy. She wanted to make sure that utilities are responsible for following up with their sub-contractors to make sure they're doing the work correctly. She felt we should look at bonds for larger projects rather than fines.</p> <p>Councilor Wilson recommended looking at this as an opportunity for cooperation between the City, which provides some utilities, and the private utility providers. He said we should make extra effort to communicate with these partners and coordinate our projects.</p> <p>Mayor Dirksen said that a lot of concerns raised in the letter from Quest were addressed tonight.</p> <p>Councilor Wilson asked if any other municipalities are doing this. Right-of-Way Administrator Werner said a recent survey indicated many nearby cities are doing this and it is not uncommon.</p> <p>Right-of-Way Administrator Werner said that after revising the draft ordinance and seeking utility input, staff will bring it back to Council for approval.</p>	
<p>8. Discuss Revisions to the Tigard Municipal Code to Incorporate a Privilege Tax</p>	<p>Mayor Dirksen suggested tabling Agenda Item No. 8 due to time constraints. The consensus was to table this item and add it to the agenda for the May 16 workshop meeting.</p> <p>Councilor Woodruff said a second issue to be discussed at the same time is that the City should apply franchise fees to itself.</p>	
<p>9. Council Liaison Reports</p>		

Agenda Item	Discussion & Comments	Action Items (follow up)										
10. Non Agenda Items	<p>City Manager Prosser said the joint meeting with Tigard/Tualatin School District and the cities of Tigard, Tualatin, Durham and King City has been tentatively scheduled for May 31, 2006. He asked Council members to confirm their availability and to give him possible agenda items.</p> <p>City Manager Prosser handed out a memo regarding the ICMA website access. Council ground rules will be discussed in June or July. The ICMA website access will be added as a topic of discussion.</p>											
11. Executive Session	Not held.											
12. Adjournment	10:31 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council members present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date:_____

I:\adm\cathy\ccm\2006\060418

MEMORANDUM



TO: Honorable Mayor and City Council

FROM: Cathy Wheatley, City Recorder *Cathy*

DATE: April 26, 2006

SUBJECT: Three-Month Council Meeting Calendar

Agenda Item No. 4.2.a
For Agenda of May 9, 2006

Regularly scheduled Council meetings are marked with an asterisk (*).

May

1	Monday	Budget Committee Meeting -- 6:30 pm, Tigard Water Auditorium
8	Monday	Budget Committee Meeting -- 6:30 pm, Tigard Water Auditorium
9*	Tuesday	Council Business Meeting -- 6:30 pm, Town Hall
15	Monday	Budget Committee Meeting -- 6:30 pm, Tigard Water Auditorium
16*	Tuesday	Council Workshop Meeting -- 6:30 pm, Town Hall
22	Monday	Budget Committee Meeting (if needed) -- 6:30 pm, Tigard Water Auditorium
23*	Tuesday	Council Business Meeting -- 6:30 pm, Town Hall
29	Monday	Memorial Day Holiday -- City Offices Closed
30	Tuesday	Fifth Tuesday Council Meeting -- 7-9 pm, Tigard Water Auditorium

June

13*	Tuesday	Council Business Meeting -- 6:30 pm, Town Hall
16-18	Fri-Sun	Tigard Festival of Balloons
20*	Tuesday	Council Workshop Meeting -- 6:30 pm, Town Hall
27*	Tuesday	Council Business Meeting -- 6:30 pm, Town Hall

July

4	Tuesday	4 th of July Holiday -- City Hall Closed
11*	Tuesday	Council Business Meeting -- 6:30 pm, Town Hall
18*	Tuesday	Council Workshop Meeting -- 6:30 pm, Town Hall
25*	Tuesday	Council Business Meeting -- 6:30 pm, Town Hall

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	May 9, 2006 Business/6:30 p.m. City Hall April 25, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	May 16, 2006 Workshop/6:30 p.m. City Hall May 2, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	May 23, 2006 Business/6:30 p.m. City Hall May 9, 2006
Study Session		Workshop Agenda		Study Session	
City Mgr. Performance Review - Craig P. - 30 min. Entry Sign Design Review & Disc. Liz - 15 min. Staff Report on House Interim Committee on Land Use Meeting - Tom C. - 15 min.		Council Woodruff will be absent. Citizen Leadership Group Project Presentation/Award Certifs. - Liz N. - 20 min. Enhanced Citizen Participation Update - Liz N. - 30 min. - SI Meeting with Municipal Court Judge - Bob S. / Nadine - 30 min. SI Greenburg Road Alternatives - Gus D. 30 min. Update on Streetscape Design Plan - Tom C. - PPT.- 25 mins.		Public Internet Access at the Library - Margaret B. - 20 min. Regulations Requiring Annual Residential Backflow Device Inspections - Brian B. - 15 min.	
Consent Agenda				Consent Agenda	
Approve Bud. Amend. #12 for Family Week and Travel/Training - Bob S. - RES Appointment to Planning Commission - Dick B. RES		Meeting with Municipal Court Judge - Bob S. / Nadine - 30 min. SI Greenburg Road Alternatives - Gus D. 30 min. Update on Streetscape Design Plan - Tom C. - PPT.- 25 mins.		LCRB- Purchase of Replacement Pipeline Video Truck - Dennis K. Consider IGA with CWS & TriMet for Fanno Ck. Wetlands Mitigation Site -Dennis K.	
Business Meeting				Business Meeting	
Proclamation: EMS Week - Cathy - 5 min. Resolution of Appreciation THS Student Envoy Krista Foltz - Cathy W.- 5 min. Update from the Youth Advisory Council - Liz - 15 min. - SI Wall Street Extension - PHQJ, ORD - PPT - Denver I./Tom C. - 60 min. Willamette WaterCoalition Rec. - Dennis K.-10 min. Update from Mayor/Council Members on Congress of Cities Conf. - Cathy W. - 10 min		Tigard Municipal Code Revisions - Incorporate Privilege Tax - Gus/Nancy/Bob S. 20 min. "City Council Report Card" - Cathy W. - 15 min. Exec. Session - City Attorney Update on Pending Litigation - Tom C. - 30 min.		Proclamation Declaring June 3 & 4, 2006, as "Tualatin River Nat'l Wildlife Refuge Grand Opening Weekend" in the City of Tigard - Duane R.-5 Formal Graduation of Tigard's Community Emergency Response Team - Dennis K.- 15 min. Accept Dedicated Open Space from Venture Properties, Inc. - Dan P. - 10 min. Consider Portland Water Contract - MO Dennis K. - 20 min. Adopt City of Tigard/TPOA Collective Bargaining Agreement - Sandy Z. - 5 min.	
Time Avail: 135 min. - Time Scheduled: 105 min. Time Left: 30 min.		Time Avail: 200 min. - Time Scheduled: 200 min. Time Left: 0 min.		Time Avail: 135 min. - Time Scheduled: 55 min. Time Left: 80 min.	

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	May 30, 2006 5th Tues/7 PM Water Building Aud. Dennis May 16, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	June 13, 2006 Business/6:30 p.m. City Hall May 30, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	June 20, 2006 Workshop/6:30 p.m. City Hall June 6, 2006
Fifth Tuesday Meeting		Study Session		Workshop Agenda	
		Briefing on Emergency Response Exercise Dennis K. 10 min.			
		Consent Agenda			
		Business Meeting			
		Meridian Park Hospital Presentation on Com- munity Resources and Outreach - Liz N.-15 min. Approve CIP for FY 2006-07 - PH - PPT - Gus D. - 10 min. Certify City provides Services Qualifying for State Shared Revs - RES - Bob S. - 10 min. Declare City's Election to Receive State Revenues - PH - RES - Bob S. - 10 min. Adopt FY 2006-07 Budget - PH - RES Bob S.- 40 min. Adopt Citywide Master Fees and Charges Schedule - Michelle W. - 15 min. Briefing on Emergency Response Exercise Scheduled for June 14 - Dennis K. - 5 min. Metro Poll on Attitudes Toward Growth and Land Use - Tom C. - 10 min, Community Survey Results - Tom C.45 Min. Time Avail: 135 min. - Time Scheduled: 160 min. Time Left: 25 min.over schedule			
		Time Avail: 200 min. - Time Scheduled: 0 min. Time Left: 200 min.			

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	June 27, 2006 Business/6:30 p.m. City Hall	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 11, 2006 Business/6:30 p.m. City Hall Tom I. June 27, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 18, 2006 Workshop/6:30 p.m. City Hall July 4, 2006
Study Session		Study Session		Workshop Agenda	
				Review Council Groundrules - Craig P. - 15 min. SI (or August Workshop)	
Consent Agenda		Consent Agenda			
Business Meeting		Business Meeting			
Quarterly Emergency Management Program Update - Mike L. 10 min.					
Time Avail: 135 min. - Time Scheduled: 10 min. Time Left: 125 min.		Time Avail: 135 min. - Time Scheduled: min. Time Left: min.		Time Avail: 200 min. - Time Scheduled: min. Time Left: min.	

Agenda Item #

Meeting Date

May 9, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title A Resolution Approving Budget Amendment #12 to the FY 2005-06 Budget to Increase Appropriations in the Mayor & Council Budget for Funding of Expenditures for Family Week and Additional Travel and Training.

Prepared By: Michelle Wareing Dept Head Okay RWS City Mgr Okay CR

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Shall the City Council approve Budget Amendment #12 to increase appropriations in the Mayor & Council budget to fund non-budgeted expenditures related to Family Week, purchase of new logo pins, and additional travel and training?

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment #12.

KEY FACTS AND INFORMATION SUMMARY

The Mayor & Council budget has incurred expenditures that were not included in the FY 2005-06 Adopted Budget. The City sponsored Family Week in September 2005 and the costs related to this event that were charged to the Mayor & Council Division were \$2,448. The Family Week event was planned after the adoption of the budget, so no costs were budgeted for the event. Also with the implementation of the new logo and identity for Tigard, new logo pins were purchased at a cost of \$1,140.

The Mayor & Council budget included appropriations for three Council members to attend the League of Oregon Cities and the National League of Cities conferences. However, four Council members attended both of the conferences. The additional cost related to Travel, Food, and Lodging was \$4,900 and Training was \$391.

The Mayor & Council budget does not have sufficient appropriations to cover these non-budgeted expenditures. This budget amendment will increase appropriations in the Mayor & Council budget by \$8,879 and reduce the General Fund Contingency by the same amount.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #12.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None

ATTACHMENT LIST

Resolution including Attachment A

FISCAL NOTES

This resolution will transfer \$8,879 from the General Fund Contingency to the Mayor & Council Division Budget to fund the non-budgeted expenditures for Family Week, purchase of new logo pins, and additional travel and training.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE MAYOR & COUNCIL BUDGET FOR FUNDING OF EXPENDITURES FOR FAMILY WEEK AND ADDITIONAL TRAVEL AND TRAINING.

WHEREAS, the City sponsored Family week in September 2005 and implemented a new logo and identity in January 2006; and

WHEREAS, Family Week and the new logo were not developed until after the FY 2005-06 Budget was adopted; and

WHEREAS, the Mayor & Council budget included appropriations for three Council members to attend the League of Oregon Cities and the National League of Cities conferences; and

WHEREAS, four Council members attended the League of Oregon Cities and the National League of Cities conferences; and

WHEREAS, it is necessary to amend FY 2005-06 Budget to increase appropriations to fund these non-budgeted expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2005-06 Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to increase appropriations in the Mayor & Council Division budget, Community Services Program, in the amount of \$8,879 and to decrease the General Fund Contingency by the same amount

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2005-06
Budget Amendment # 12

FY 2005-06 Revised Budget	Budget Amendment # 12	FY 2005-06 Revised Budget
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General Fund

Resources

Beginning Fund Balance	\$8,671,679		\$8,671,679
Property Taxes	9,582,474		9,582,474
Grants	456,896		456,896
Interagency Revenues	2,459,839		2,459,839
Development Fees & Charges	512,510		512,510
Miscellaneous Fees and Charges	252,360		252,360
Fines and Forfeitures	650,827		650,827
Franchise Fees and Business Tax	3,069,234		3,069,234
Interest Earnings	204,000		204,000
Bond/Note Proceeds	0		0
Other Revenues	25,000		25,000
Transfers In from Other Funds	2,677,233		2,677,233
Total	\$28,562,052	\$0	\$28,562,052

Requirements

Community Service Program	\$12,011,989	\$8,879	\$12,020,868
Public Works Program	2,672,342		2,672,342
Development Services Program	2,941,422		2,941,422
Policy & Administration Program	362,241		362,241
General Government	0		0
Program Expenditures Total	\$17,987,994	\$8,879	\$17,996,873
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$4,507,732		\$4,507,732
Contingency	\$936,090	(\$8,879)	\$927,211
Total Requirements	\$23,431,815	\$0	\$23,431,815
Ending Fund Balance	\$5,130,237		\$5,130,237
Grand Total	\$28,562,052	\$0	\$28,562,052

AGENDA ITEM # _____
FOR AGENDA OF May 9, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointment to the Planning Commission

PREPARED BY: D. Bewersdorff DEPT HEAD OK TC CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should Council appoint Patrick Harbison to the Planning Commission to fill the unexpired term of former Commissioner William Haack?

STAFF RECOMMENDATION

Staff recommends appointing Patrick Harbison, Planning Commission alternate, to fill the unexpired term of Commissioner Haack.

INFORMATION SUMMARY

William Haack resigned from the Planning Commission on April 26, 2006. His term as a Planning Commissioner was scheduled to expire December 31, 2006. On April 25, 2006, Council appointed Patrick Harbison as the first alternate to the Planning Commission. If he is appointed to fill the vacant Planning Commission seat, his term will expire December 31, 2006.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Visioning Goal # 1 – The City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Attachment 1: Proposed resolution appointing Patrick Harbison as a Planning Commissioner.

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION APPOINTING PATRICK HARBISON AS A PLANNING COMMISSIONER.

WHEREAS, Planning Commissioner William Haack resigned from the Planning Commission on April 26, 2006; and

WHEREAS, there now exists a vacancy on the Planning Commission; and

WHEREAS, Patrick Harbison is the first alternate to the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Patrick Harbison is appointed to the Planning Commission to fill the unexpired term of former Commissioner Haack. This term expires December 31, 2006.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Agenda Item #

Meeting Date

5/9/06

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Update from the Youth Advisory Council

Prepared By: Elizabeth Newton EMA Dept Head Okay EMA GR CP City Mgr Okay EMA GR CP

ISSUE BEFORE THE COUNCIL AND KEY FACTS

A report by members of the Youth Advisory Council to update City Council members on their recent activities and plans for the remainder of 2006.

STAFF RECOMMENDATION

Information only. No action by Council is necessary.

KEY FACTS AND INFORMATION SUMMARY

Members of the Tigard Youth Advisory Council will report on their activities over the 2005-06 school year and their plans for the remainder of 2006.

OTHER ALTERNATIVES CONSIDERED

N/A.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

2006 Council Goal "Connect Council with Students in Schools."

Tigard Beyond Tomorrow Vision Strategy under Schools, Education and Youth "Partner with community resources to address student needs to ensure success."

ATTACHMENT LIST

N/A.

FISCAL NOTES

There is no cost associated with this report.

Agenda Item #

Meeting Date

May 9, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title SW Wall Street Extension - Public Hearing Quasi-Judicial (PHQJ)

Prepared By: Denver Igarta Dept Head Okay TC/jw City Mgr Okay EAM/RCP

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Should the City Council approve a Comprehensive Plan Amendment, Sensitive Lands Permit and Tree Removal Permit to construct the SW Wall Street extension as proposed by the City of Tigard Capital Improvement Division

STAFF RECOMMENDATION

Approval of the Comprehensive Plan Amendment, Sensitive Lands Permit and the Tree Removal Permit by adoption of the attached ordinance.

KEY FACTS AND INFORMATION SUMMARY

The location of the proposed SW Wall Street extension would be east of SW Hall Boulevard, south of the Tigard Public Library, and north of the Fanno Pointe Condominiums; Washington County Tax Assessor's Map 2S102DD, Tax Lots 200, 300 and 90000.

The primary purpose for the SW Wall Street extension is to provide joint access to the Tigard Public Library and Fanno Pointe Condominiums, replacing the interim driveways which fail to meet ODOT Access Management and Tigard Development Code minimum spacing standards. The temporary driveways off of Hall Blvd. were permitted to serve the Library and Condominium sites until such time as permanent access could be provided onto SW Wall Street.

A Sensitive Lands Review is required for proposed impacts to wetlands and drainageways on site, and a Tree Removal Permit is required for trees to be removed from sensitive lands. The effect of the Comprehensive Plan Amendment would be to remove Goal 5 protection from the locally significant resources which would be impacted by construction of SW Wall Street. The newly created and restored wetland and riparian resources will be added to the inventory of locally significant sites.

The review criteria to be considered include statewide planning goals and guidelines; applicable federal or state statutes and regulations; applicable Metro regulations; applicable Comprehensive Plan policies; and, applicable provisions of the City's implementing ordinances. These criteria are addressed in the attached staff report.

This project has undergone extensive design refinement to minimize disturbance to sensitive land areas and allow for mitigation opportunities. Significant mitigation plans have been proposed related to the reconfiguration of Pinebrook Creek and activities to create enhance and restore its associated wetlands.

The Planning Commission considered the SW Wall Street proposal at a public hearing on April 3, 2006 and recommended approval of the proposed amendment by motion with a unanimous vote in favor.

Consequences of approving the proposed SW Wall Street extension would include impacts to sensitive lands, some loss of wildlife habitat, and removal of protection status from impacted locally significant resources. On the other hand, consequences of not approving the proposed extension would include not addressing safety concerns for the two interim driveways locations, continued negative impacts to downstream hydrology, water quality and fish passage, not connecting the north and south segments of the Fanno Creek Trail, and loss of the extensive mitigation plan for Pinebrook Creek and associated wetlands and the resulting habitat benefits. The impacts of this project are further addressed in the attached staff report.

OTHER ALTERNATIVES CONSIDERED

Approve CPA2004-00001/SLR2004-00003 & SLR2006-00001/TRE2006-00001 to 00009 with modifications, deny the proposed project, or adopt another alternative.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management, Goal # 6: The City Comprehensive Plan shall be reviewed and revised to accommodate growth while protecting the character and livability of new and established neighborhoods; provide for preservation of natural environment and open space throughout the community; provide for parks and alternative transportation; and create community gathering places.

Growth and Growth Management, Goal # 7: Develop transportation infrastructure concurrently with new growth.

Transportation and Traffic, Goal # 1: Improve traffic safety.

Transportation and Traffic, Goal # 2: Improve traffic flow.

Transportation and Traffic, Goal # 3: Alternative modes of transportation will be available and use shall be maximized.

Urban & Public Services, Library, Goal # 3: Adequate facilities available for efficient delivery of life-long learning programs and services for all ages.

Urban & Public Services, Parks & Greenways, Goal # 2: Open space & greenway areas shall be preserved and protected.

ATTACHMENT LIST

Attachment 1: Ordinance approving sensitive lands review SLR2004-00003 and SLR2006-00001, Tree Removal TRE 2006-00001 through 2006-00009, and Comprehensive Plan Amendment CPA2004-0001 to remove Goal 5 protection from the resources to be impacted by construction of the SW Wall Street extension and to add newly created and restored wetland and riparian resources to the inventory of locally significant sites.

Attachment 2: Staff Report

Attachment 3: Addendum to the Staff Report

Attachment 4: Letters of Public Comments

Attachment 5: Responses to Public Comments

Attachment 6: Planning Commission Hearing Minutes

FISCAL NOTES

Funds are budgeted for this project as part of the Capital Improvement Program for FY 2005-2006 in the amount of \$900,000.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE APPROVING SENSITIVE LANDS REVIEW SLR2004-00003 AND SLR 2006-00001, TREE REMOVAL TRE2006-00001 THROUGH 2006-00009, AND COMPREHENSIVE PLAN AMENDMENT CPA2004-00001 TO REMOVE GOAL 5 PROTECTION FROM THE RESOURCES TO BE IMPACTED BY CONSTRUCTION OF SW WALL STREET AND TO ADD NEWLY CREATED AND RESTORED WETLAND AND RIPARIAN RESOURCES TO THE INVENTORY OF LOCALLY SIGNIFICANT SITES.

WHEREAS, Section 18.775.070 of the City of Tigard Community Development Code requires a sensitive lands permit for development within drainageways and wetlands, and approval criteria are presented in Sections 18.775.070.D-18.775.070.E.

WHEREAS, Section 18.790.050 of the Community Development Code requires a tree removal permit for the removal of any tree which is located on or in a sensitive lands area, and approval criteria are presented in Sections 18.790.050.A.

WHEREAS, Section 18.775.090 of the Community Development Code establishes special provisions for development within Locally Significant wetland and riparian corridors to address the requirements of Statewide Planning Goal 5 and its safe harbor provisions; and

WHEREAS, the proposed construction of the 360 foot section of SW Wall Street, east of Hall Boulevard, will impact sensitive drainageways and wetlands, will require removal of trees within sensitive lands and will impact Goal 5 resources designated as Locally Significant; and

WHEREAS, pursuant to Section 18.775.130 of the Tigard Development Code, any owner of property affected by Goal 5 safe harbor protection of significant wetlands and/or vegetated areas may apply for a quasi-judicial Comprehensive Plan Amendment under Type IV procedure; and

WHEREAS, pursuant to Section 18.380.030 of the Tigard Development Code, the Tigard Planning Commission shall make a recommendation to the Tigard City Council on an application for a quasi-judicial comprehensive plan amendment; and

WHEREAS, pursuant to Section 18.390.060G of the Tigard Development Code, a Type IV decision shall be based on consideration of Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes; any federal or state statutes or regulations found applicable; any applicable METRO regulations; any applicable comprehensive plan policies; and, any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Comprehensive Plan Amendment must be based on a specific development proposal and may be justified by either conducting an Environmental, Social, Economic and Energy (ESEE)

analysis or demonstrating the site no longer meets the applicable significance defined by the Goal 5 administrative rule; and

WHEREAS, the City of Tigard, acting as the applicant, has requested concurrent review of the sensitive lands permit, tree removal permit, and a quasi-judicial Comprehensive Plan Amendment for proposed construction of the 360 foot section of SW Wall Street; and

WHEREAS, the applicant has submitted a specific development proposal, and conducted an Environmental, Social, Economic and Energy (ESEE) analysis demonstrating justification for amending the Comprehensive Plan; and

WHEREAS, the effect of the Comprehensive Plan Amendment shall be to remove Goal 5 protection from the locally significant resources to be impacted by construction of SW Wall Street as shown in Exhibit "A" (Area 1); and

WHEREAS, the applicant has submitted plans for compensatory wetland, vegetated corridor and tree mitigation, and the newly created and restored wetland and riparian resources will be added to the inventory of locally significant sites as shown in Exhibit "A" (Area 2); and

WHEREAS, the Tigard Planning Commission held a public hearing on April 3, 2006, and recommended approval of CPA2004-00001, SLR2004-00003 and SLR 2006-00001, and TRE2006-00001 through 2006-00009 by motion with a unanimous vote in favor; and

WHEREAS, the Tigard City Council held a public hearing on May 9, 2006, to consider the request for sensitive lands permit, tree removal permit and a quasi-judicial Comprehensive Plan Amendment based on the specific development proposal for construction of SW Wall Street and testimony provided at the hearing and determined that the construction of SW Wall Street will not adversely affect the health, safety and welfare of the City and meets all applicable review criteria.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Sensitive Lands Review SLR2004-00003 and SLR 2006-00001, Tree Removal TRE2006-00001 through 2006-00009, and Comprehensive Plan Amendment CPA2004-00001 for the construction of the 360 foot section of SW Wall Street are hereby approved by the City Council.

SECTION 2: The map of locally significant wetlands and riparian corridors created to address Goal 5 safe harbor provisions shall be amended to represent the removal of the significant resources impacted by construction of SW Wall Street as shown in Exhibit "A".

SECTION 3: Newly created and restored wetlands and riparian resources shall be added to the inventory of protected locally significant resources as shown in Exhibit "A".

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

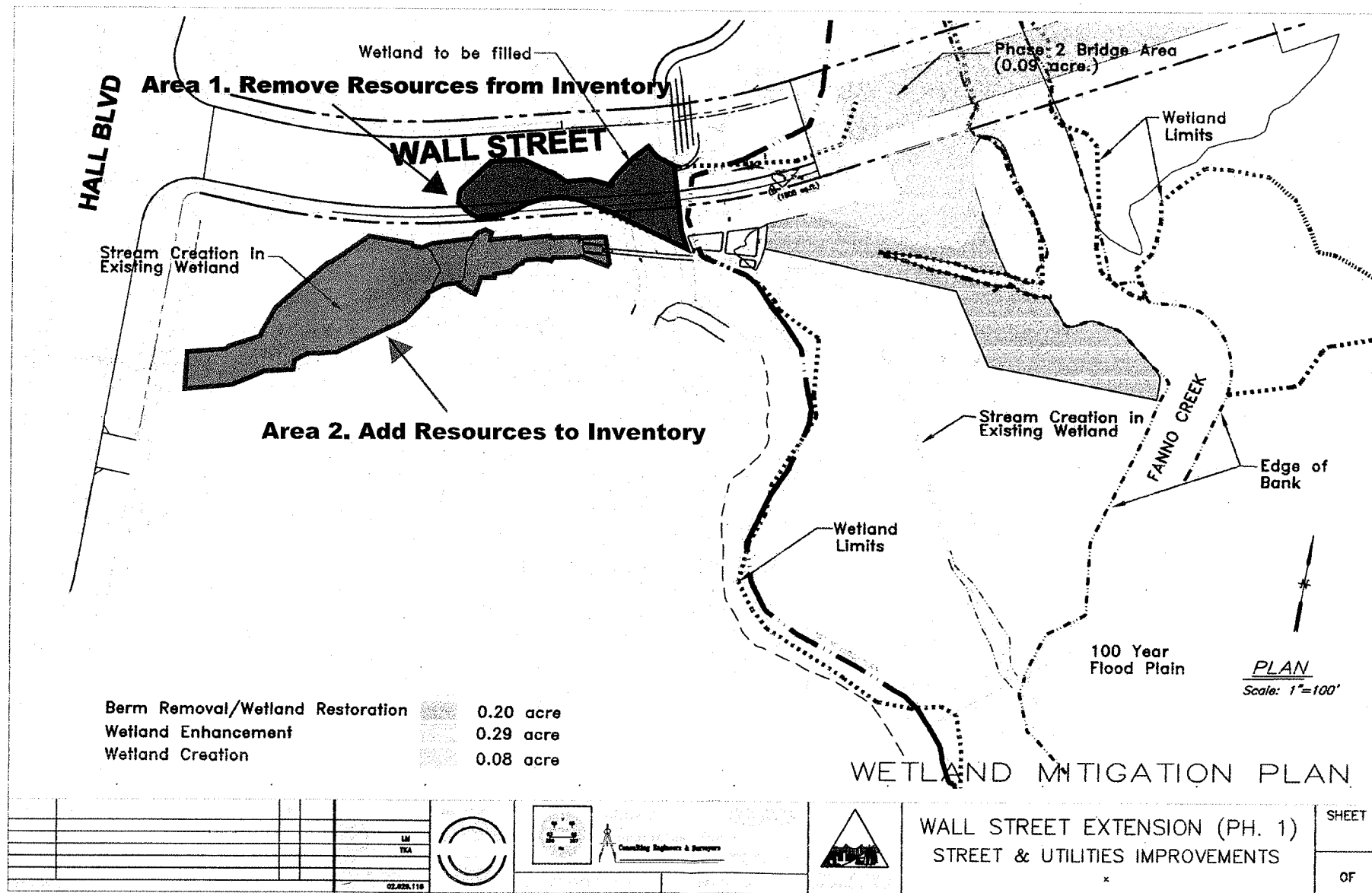
Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

Exhibit A



Agenda Item: 5.1

Hearing Date: April 3, 2006

Time: 7:00 PM

STAFF REPORT TO THE PLANNING COMMISSION FOR THE CITY OF TIGARD, OREGON



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: WALL STREET EXTENSION
CASE NOS: Comprehensive Plan Amendment (CPA) CPA2004-00001
 Sensitive Lands Review (SLR) SLR2004-00003
 Sensitive Lands Review (SLR) SLR2006-00001
 Tree Removal (TRE) TRE2006-00001 through 2006-00009

APPLICANT: City of Tigard
 Capital Improvement Div.
 Attn: Vannie Nguyen
 13125 SW Hall Boulevard
 Tigard, OR 97223

APPLICANT'S REP: Group Mackenzie
 Attn: Geraldene Moyle, AICP
 0690 SW Bancroft
 Portland, OR 97239

PROPOSAL: As part of a capital improvement project, the applicant is requesting Sensitive Lands approval to build a 350-foot extension of SW Wall Street, east of Hall Blvd, between the Tigard Public Library and Fanno Pointe Condominiums. As part of this extension, the Pinebrook Creek wetlands designated as locally significant will be impacted and reconfigured. In order to carry out this project, a Comprehensive Plan Amendment is required. The effect of the amendment would be to remove Goal 5 protection from the wetlands impacted by this specific development proposal, but not to remove the requirements related to the CWS Stormwater Connection Permit. A Sensitive Lands Review is also required for impacts to wetlands and drainageways and the proposed reconfiguration of Pinebrook Creek, a tributary to Fanno Creek. A Tree Removal Permit is required for a number of trees to be removed in the sensitive land areas in order to accommodate the grading and construction of the roadway. The applicant has requested concurrent review of all these permit applications.

Phase I of the SW Wall Street extension is aimed at providing a joint access to both the Tigard Public Library and the Fanno Pointe Condos to satisfy obligations to the Oregon Department of Transportation (ODOT) which allowed temporary access to the condos and library from Hall Boulevard. This 350 foot improvement will terminate on the west side of Fanno Creek and west of its 100-year floodplain. Any future extensions of SW Wall Street across Fanno Creek would require a separate review and approval by the City, State and Federal agencies.

LOCATION: SW Wall Street unimproved right-of-way, east of SW Hall Boulevard, south of the Tigard Public Library, and north of the Fanno Pointe Condominiums; Washington County Tax Assessor's Map 2S102DD, Tax Lots 200, 300 and 90000.

ZONING: R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.

COMP PLAN: Medium-Density Residential and Open Space.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code (TDC) Chapters 18.380, 18.385, 18.390, 18.510, 18.725, 18.775, 18.790, 18.795 & 18.810. Comprehensive Plan policies 2, 3, 4, 7 & 8.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that this request for Comprehensive Plan Amendment, Sensitive Lands Permit and the Tree Removal Permit will not adversely affect the health, safety and welfare of the City and meets the necessary approval criteria. Staff recommends APPROVAL, subject to the following recommended Conditions of Approval.

**THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED
PRIOR TO COMMENCEMENT OF ANY SITE WORK**

- The applicant shall finalize a maintenance agreement with the Fanno Pointe Condominium Owners Association for the maintenance to the mitigation site on the Fanno Pointe Condo property and submit the agreement prior to commencement of any site work.

**THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED
DURING THE PROJECT CONSTRUCTION**

- The applicant shall comply with the conditions made by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers in carrying out the wetland mitigation plan. The project will additionally meet the erosion control and water quality conditions contained in the DSL and Corps of Engineers wetland permits and in the water quality certification issued by the Department of Environmental Quality as part of the Corps of Engineers permit. Submit the monitoring report to be prepared for the Oregon DSL and the US Army Corps to the City of Tigard upon completion of the project showing success meeting the permit conditions.
- The applicant shall comply with the conditions made by Clean Water Services in carrying out the vegetated corridor mitigation plan. Submit a monitoring report upon completion of the project showing success meeting the permit conditions.
- In carrying out the tree removal plan, any non-native trees shall be girdled and left as snags rather than removed to provide habitat in areas where there are no safety issues.

SECTION III. BACKGROUND INFORMATION

Project History

The construction of Wall Street has a long history, and to understand the need for this project, a number of considerations require explanation. First, the primary purpose of Phase one of the Wall Street extension is to provide access to the Tigard Library and the Fanno Pointe Condominiums. However, potential subsequent phases would extend SW Wall Street further eastward connecting Hall Boulevard to Hunziker Street as identified in the Transportation System Plan (TSP), a subdocument to the City's Comprehensive Plan. The TSP was adopted by resolution 02-33, and became effective on October 10, 2002. The TSP lays out the City's Transportation improvement needs over a 20-year planning period. In the document, existing and projected deficiencies are identified with corresponding improvement projects

and techniques to alleviate congestion and improve transportation efficiency. Figure 8-12 of the TSP, on page 8-23 identifies local street connectivity needs including the Wall Street connection between SW Hall and SW Hunziker Streets. The extension appears again on Figure 8-19, page 8-45, for the Street Improvement Plan. These improvements and connections are part of a comprehensive set of tools to alleviate and mitigate for growing congestion problems throughout the City. No single project identified in the TSP will alleviate the traffic issues the city faces.

The proposed road is classified as a collector which is described in the TSP as providing "both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials) and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system." However, there is an inherent conflict in the Comprehensive Plan as policy 12.3.1 also identifies that development of industrial sites (the undeveloped land on the east side of Fanno Creek) shall not channel traffic through residential areas (the R-12 zoned Fanno Pointe and Library). This issue is not ripe for discussion as part of this proposal as the street will not be extended to the industrial land as part of phase 1, and no specific development is being proposed for the industrial land at this time.

In January of 2003, a private developer received approval to construct a 42 unit condominium project adjacent to Hall Boulevard known as Fanno Pointe Condominiums. During the review of that project, staff received comments from the Tualatin Riverkeepers who initially opposed the project, but following some site plan revisions had indicated their support. The staff report goes on to note: "The group also asked that the existing pond and drainage stream be revised. It is expected that those improvements will be made when the City of Tigard constructs the future Wall Street extension along the northern boundary of the subject site." The following discussion regarding the future Wall Street was included in the original report for the Fanno Pointe Condo's:

Because the timing of the Library project will likely lag behind this project, the applicant will need an interim access onto Hall Boulevard to support the development. Their ultimate access will come from Wall Street, which will be constructed in part by the City. The City and the applicant have discussed the need for an interim access onto Hall Boulevard with ODOT, and ODOT has agreed to allow the access in the location shown on the applicant's plans...Therefore, the interim access onto Hall Boulevard may be able to be completely removed once the Wall Street access is constructed...

Wall Street

*This roadway is classified as a three-lane collector street that will eventually connect between Hall Boulevard and Hunziker Street to the east. In order to connect to Hunziker Street, a crossing of the railroad ROW will be needed. That approval has not yet been obtained. However, the street can be extended from Hall Boulevard to a point where access can be provided to both the Library and Fanno Pointe. Access points for the two projects will align across from each other."*¹

In April of 2003, the City received approval to construct the Tigard Public Library. A number of road improvements were required as part of that decision, including frontage improvements on Hall Boulevard, as well as completion of the first phase extension of Wall Street. An interim driveway was provided to allow access until such time that the Wall Street Phase 1 could be completed. The following discussion was included in the original report for the library:

SW Wall Street

Wall Street is classified as a three-lane collector street with bike lanes. It is to provide an ultimate connection between Hall Boulevard and Hunziker Street to the east. A 70-foot ROW width is required for this street. The applicant plans to dedicate ROW for Wall Street as a part of this project. The applicant should only dedicate this ROW if the Wall Street LID project is approved in the proposed location.

A preliminary alignment study was conducted by the City to determine how and where this street would need

¹ Case file number SDR2002-00012, p.24

to cross Fanno Creek and the railroad ROW to the east. Four options were considered, with the location near the southern border of this site being the finalist. The other options that were considered resulted in more impact to Fanno Creek and the associated wetland areas adjacent to the creek.

If the City obtains approval to construct this roadway, the construction would be in phases, with the first phase simply providing a full-width improvement from Hall Boulevard a distance of approximately 475 feet to a point where access into the library site and the Fanno Pointe site can be achieved. This first phase can be constructed without impacts to Fanno Creek or the railroad. A separate effort to deal with the creek and railroad crossing will continue beyond the scope of the library project.

As was stated previously, the construction of Wall Street is proposed in two phases, with the first phase being a segment beginning from Hall Boulevard and funded partly by the City and partly from TIF funds, and the second phase being a LID. The Wall Street project is not part of the library project. The library project can be served alone by the driveway configuration shown on the plan. This configuration will accommodate the future construction of the first phase of Wall Street, should it be approved in the location desired by the City. Should the Wall Street project be delayed, the library project can move forward with the driveway plan as shown. This provision has also been discussed with ODOT.”²

On March 23, 2004, the City submitted its proposal for sensitive lands review and a comprehensive plan amendment to construct Phase 1 and receive approval for the future construction of Phase 2 of the Wall Street extension. At that time, the applicant had not received approval from Clean Water Services, or the Army Corps of Engineers. Moreover, approval had not been obtained from Southern Pacific Railroad for an at-grade crossing either. The application remained on hold until these approvals could be obtained. In the interim staff held several meetings with the applicant to discuss this project on September 15, December 16 and 22, and again on January 12, 2005. As a result of those meetings, the applicant revised the application to eliminate seeking approval for Phase 2.

In the Fall of 2005, the original proposal for Phase 1 was further revised to minimize the impact to sensitive land areas and meet local planning requirements. As a result, the length of the proposed roadway was reduced from 425 feet to 350 feet in order to avoid development within the 100-year floodplain by shifting the library and condominium accessways to the west. The redesign includes a retaining wall along the eastern edge of the condominium access to minimize the amount of wetland impact. The total wetland impact area for Phase 1 was reduced from 0.25 acre to 0.11 acre.

Vicinity Information

The area of impact is east of SW Hall Boulevard, and directly between the Tigard Public Library and the Fanno Pointe Condominiums west of Fanno Creek. The zoning in this area is R-12 Medium Density Residential. Parcels on the opposite side of Fanno Creek are designated as Light Industrial. To the west of the project is R-4.5, low density residential zoning.

Proposal Description

Normally, a comprehensive plan amendment would be heard separately, with development permit applications following final outcome of the comprehensive plan amendment. However, in the case of an amendment to remove Goal 5 protection, the development code requires it to be “based on a specific development proposal”. This detail is necessary to determine the extent of the proposed impacts, and to what degree the impacts have been or could be further minimized. For this proposal, at the request of the applicant, the subsequent permit activities are to be heard concurrently with the comprehensive plan amendment. This will give decisionmakers a better idea of the full extent of the proposal and gives the applicant better assurance of feasibly completing the project after issues surrounding the comprehensive plan amendment are decided. This consolidated request adds complexity to the application that will be addressed

² Case file number CUP2003-00001, p.29

fully in the subsequent analysis.

Phase 1 of the Wall Street extension will provide a 350 foot section of roadway. The right-of-way (ROW) is 72 feet wide with 3-lanes meeting the standards for designated Collector streets and additional widths of up to 20 feet outside the ROW to accommodate 8-foot-wide public utility easements and cut and fill slopes.. This first phase encompasses the intersection with SW Hall Boulevard to driveways serving the Tigard Library on the north, and the Fanno Pointe Condos on the south. Future phases of Wall Street are planned to continue across Fanno Creek and the railroad tracks to an ultimate connection with SW Hunziker Avenue, to provide additional east-west connectivity for the eastern area of Tigard between from Hall Blvd. to 72nd Avenue between Hunziker Street and Bonita Road or north-south connections from Hunziker Street to Bonita Road between Hall Boulevard and 72nd Avenue. However, this application is only for the 350-foot extension to serve the Tigard Library and the Fanno Pointe Condos.

Locally Significant Wetland

This first phase encroaches into wetlands and vegetated corridor that are shown on the "Wetland and Streams Corridor Map" as "Locally Significant". An area of approximately 0.11 acres (4,792 s.f.) will be impacted by filling slopes and road construction. The criteria for these wetlands generally prohibit any permanent impacts, with few exceptions. To remove this protection from these wetlands, they must be removed from the inventory by a comprehensive plan amendment, a Type IV procedure. Impacts to the wetland will be mitigated with stream channel and wetland creation (0.08 acres), wetland enhancement (0.29 acres) and wetland restoration (0.20 acre). The stream channel and adjacent wetlands will be reconstructed slightly south of their existing location .

Drainageway

The wetlands are associated with Pinebrook Creek, a tributary to Fanno Creek that originates to the southwest along SW McDonald Street, ultimately crossing Hall Boulevard where it is currently culverted twice in culverts not designated for fish passage and meanders through the Fanno Pointe site. According to the Biological Assessment prepared by Fishman Environmental Services, Pinebrook Creek "appears to consist of two to three narrow (approximately 6 inch) shallow meandering channels without a visible main stream channel" and is impassible at its confluence with Fanno Creek. Approximately 270 linear feet of this channel will be replaced by a reconstructed channel, approximately 550 feet in length, which will also remove two existing culverts that do not allow fish passage (totaling approximately 170 feet in length). The area of vegetated corridor impacted by the proposed improvements totals 18,429 sf (0.42 acres). The proposed vegetated corridor impacts are summarized in the file (Attachment 11, Figure 1). The relocated Pinebrook Creek will be connected to an historic channel which will flow to the confluence with Fanno Creek. Only one culvert, under the driveway serving Fanno Pointe, will be required. This new culvert will meet ODF&W fish passage requirements providing fish passage for cutthroat trout and juvenile steelhead during high stream flows of Fanno Creek. The current confluence does not allow fish passage since there is presently an approximate eight foot drop in elevation from the downstream edge of the East Pond to Fanno Creek.

Floodplain

The proposed road improvement is not located within the 100-year floodplain. The watermain extension included in the roadway does not extend into the 100-year floodplain and its elevation is above the floodplain to preclude floodwater from infiltrating into the water system. Portions of the stream restoration and plantings will be located within the floodplain. However per Section 18.775.020 C2, stream and wetland restoration and enhancement programs performed under the direction of the City are exempt from the sensitive lands provisions.

Tree Removal

Although a plan for tree planting, removal and protection is not required for a comprehensive plan amendment, the applicant has submitted a Tree Plan (Attachment 9c) prepared by a registered consulting arborist. Within the project impact area, including areas where restoration is to occur, are a total of 44 trees that are 6 inches or greater in caliper size. The applicant is proposing to remove 19 trees greater than 6 inches in diameter. Of the total, 15 trees will be saved and 10 trees have been identified as dead or hazardous (not requiring a permit for removal). However, the applicant is proposing to remove 12 existing trees from sensitive lands area, which requires a tree removal permit.

The number of trees that are greater than 12 inches diameter total 18 trees. Nine of these trees (50%) are proposed for removal. The total number of caliper inches represented by this removal is 182 caliper inches. The amount of mitigation required is based on 50 percent of the total caliper inches removed, which equals 91 caliper inches. The applicant's planting plan proposes to replant 336 caliper inches versus the 91 inches required to be mitigated.

SECTION IV SUMMARY OF REPORT

- ❖ Applicable criteria, findings and conclusions
 - Tigard Development Code
 - 18.380 Zoning Map and Text Amendments
 - 18.385 Miscellaneous Permits
 - 18.390 Decision Making Procedures
 - 18.510 Residential Zoning Districts
 - 18.725 Environmental Performance Standards
 - 18.775 Sensitive Lands Review
 - 18.790 Tree Removal
 - 18.795 Vision Clearance Areas
 - 18.810 Street and Utility Improvement Standards
 - Applicable Comprehensive Plan Policies
 - Applicable Metro Standards
 - Statewide Planning Goals
- ❖ City Department and outside agency comments

SECTION V. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

Chapter 18.380. Zoning Map and Text Amendments:

Chapter 18.380.030

A. Quasi-judicial amendments. 2. The Commission shall make a recommendation to the Council on an application for a comprehensive plan map amendment.

The applicant has requested a quasi-judicial comprehensive plan amendment under Type IV procedure to remove Goal 5 protection from the site as provided in TDC 18.775.130. The Commission shall make recommendations to the Council on this proposed comprehensive plan amendment.

B. Standards for making quasi-judicial decisions. A recommendation or decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations;

Staff will address the applicable comprehensive plan policies, later in this report.

2. Demonstration of compliance with all applicable standards of any provision of this code or

applicable implementing ordinance;

Staff will address the applicable development code standards under their respective chapters, later in this report.

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property.

The proposed encroachments will in fact impact the vegetated corridor and wetland resources identified as significant on the "Wetlands & Stream Corridor" map, thus the applicant has applied for a comprehensive plan amendment as per TDC 18.775.130. The proposed change is evidenced by the development of the Fanno Pointe Condos in 2003, completion of the Tigard Public Library in 2004 and ODOT requirements to consolidate the access ways into these two sites. In addition, the Tigard Transportation System Plan completed in 2002 includes the SW Wall Street connection between SW Hall Blvd and SW Hunziker Street as part of its Street Improvement Plan.

Chapter 18.385. Miscellaneous Permits:

Chapter 18.385 includes criteria for miscellaneous permits including Tree Removal Permits and Sensitive Lands Reviews. The criteria found in this chapter are repeated in the respective subsequent chapters of the development code, 18.775 and 18.790.

This application is requesting a Sensitive Lands Permit and a Tree Removal Permit. Staff will address these criteria under their respective chapters, later in this report.

Chapter 18.390. Decision Making Procedures:

Chapter 18.390.020 describes the four types of decision-making procedures. Type I procedures apply to ministerial permits and actions containing clear and objective approval criteria and are decided by the Director. Type II procedures apply to quasi-judicial permits and actions that contain some discretionary criteria and are also decided by the Director but include provisions for public notice and opportunities for appeals. Type III procedures apply to quasi-judicial permits and actions that contain predominantly discretionary approval criteria. Type III-PC actions are decided by the Planning Commission with appeals to the City Council. Type III-HO actions are decided by the Hearings Officer with appeals to City Council. In cases where both the Hearings Officer and Planning Commission are involved, the Planning Commission has preferential jurisdiction, per Tigard Development Code (TDC) Section 18.390.080(D)(2)(a). Type IV procedures apply to legislative matters which involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

This application includes all four types of decision-making reviews. Pursuant to 18.390.080.D.2, whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings can be consolidated so that one approval authority shall decide all applications in one proceeding and the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 18.390.100C in the following order of preference: the Council, the Commission, the Hearings Officer, or the Director. Therefore, this application will follow the procedures for Type IV reviews, with a recommendation being forwarded from the Planning Commission to City Council, who shall make the final decision on all applications contained herein. In addition, the notice shall identify each action to be taken; the decision on a plan map amendment shall precede the decision on other actions; and the separate actions shall be taken on each application.

Chapter 18.390.050 B2e states that applications shall include an impact study to quantify the effect of the development on public facilities and services.

The permit application includes an impact study (Attachment 8) that addresses the impacts on the transportation system, the drainage system, the parks system, the water system, the sewer system, and the

noise impacts of the development.

Chapter 18.390.060G states that for legislative map and text amendments (Comprehensive Plan and Development Code) the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ♦ The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
- ♦ Any federal or state statutes or regulations found applicable;
- ♦ Any applicable Metro regulations;
- ♦ Any applicable Comprehensive Plan policies; and
- ♦ Any applicable provisions of the City's implementing ordinances.

This report addresses the applicable standards listed above in the review section covering the proposed comprehensive plan amendment as it applies to applicable Statewide Planning Goals, Federal or state regulations, Metro regulations, City's Comprehensive Plan policies and provisions of the City's Development Code.

Chapter 18.510. Residential Zoning Districts:

Chapter 18.510 lists the permissible uses and development standards for residential zones.

The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. No residential uses are proposed as part of this application. The development standards contained in this chapter refer primarily to development occurring on parcels or lots (i.e. lot size, lot width, lot coverage, setbacks). The height limit is universally applied, but the proposal does not approach 35 feet in height. Refer to the profile shown on Sheet L1 in Section 4 of the applicant's submittal. The proposal for a collector street does not conflict with the R-12 zone standards.

Chapter 18.725. Environmental Performance Standards

18.725.020. General Provisions: A: Compliance with applicable state and federal regulations.

This project shall comply with applicable state and federal regulations related to erosion control and water quality as conditioned by the wetlands permits issued by the Oregon DSL and the US Army Corps of Engineers. Violations of other state and federal regulations pertaining to noise, odor and discharge of matter would be addressed by nuisance enforcement.

Chapter 18.775. Sensitive Lands Permits:

Chapter 18.755 contains regulations to restrict development within sensitive land areas.

This proposal involves placing limited fill, road improvements and utilities within a wetland area and natural drainageway. As such, a sensitive lands review is required for each type of resource. As described previously, since this is a consolidated proceeding with a Comprehensive Plan Amendment, the highest review authority shall make the final decision on all the included requests. Therefore, the application is being processed as a Type IV procedure.

18.775.030 Administrative Provisions

A1. Interagency Coordination. The necessary permits for all "development" shall include a CWS Service Provider Letter.

An amended service provider letter was issued by CWS (Attachment 11) which specifies conditions and requirements necessary for the applicant to comply with CWS standards.

B1. Alteration or Relocation of Water Course. The Director shall notify communities adjacent to the affected area and the State Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

B2. The Director shall require that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.

Maintenance shall be assured by the fact that most of the impact area is within public right of way, and the remainder will be in a dedicated greenway tract. According to the Wetland Mitigation Plan, the City of Tigard will be responsible for maintenance of the mitigation site during the 5-year monitoring period. Maintenance recommendations for corrective action will be included in the annual wetland monitoring reports, and these actions will be implemented as needed. The Plan goes on to explain that long-term protection of the mitigation site will be ensured by placing deed restrictions over the mitigation site properties owned by the City of Tigard and the Fanno Pointe Condominium Owners Association. According to conditions of the CWS Service Provider Letter (as stated in Attachment 11), maintenance and monitoring, as well as, performance assurances for the vegetated corridor shall comply with CWS standards.

Condition: The applicant shall finalize a maintenance agreement with the Fanno Pointe Condominium Owners Association for the maintenance to the mitigation site on the Fanno Pointe Condo property and submit the agreement prior to commencement of any site work.

18.775.040 General Provisions for Floodplain Areas.

This Section requires permit review for floodplain areas to determine whether building sites will minimize the potential for flood damage.

The proposed roadway improvements will not be located within the 100-year floodplain. The watermain extension included in the roadway does not extend into the 100-year floodplain and its elevation is above the floodplain to preclude floodwater from infiltrating into the water system. Portions of the stream restoration and plantings will be located within the floodplain. However per Section 18.775.020 C2, stream and wetland restoration and enhancement programs performed under the direction of the City are exempt from the sensitive lands provisions.

18.775.050 General Provisions for Wetlands

A. Code compliance requirements. Wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map", and to a vegetated corridor ranging from 25 to 200 feet wide, measured horizontally, from the defined boundaries of the wetland, per "Table 3.1 Vegetated Corridor Widths" and "Appendix C" Natural Resource Assessments of the CWS "Design and Construction Standards". Wetland locations may include but are not limited to those areas identified as wetlands in "Wetland Inventory and Assessment for the City of Tigard, Oregon," Fishman Environmental Services, 1994.

The location of the proposed roadway improvement is identified as having two locally significant wetlands (E-18, a manmade pond along Pinebrook Creek, and E-19, associated wetlands). The extent of the vegetated corridors as determined by CWS are shown in the applicant's Attachment 11. The proposal is therefore subject to sensitive lands review for wetlands.

B. Delineation of wetland boundaries.

Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

Three wetland delineations were conducted by different consultants. A wetland delineation was prepared for the Tigard Library site including the Wall Street extension by Kurahashi & Associates in June 2002. Another delineation report for the proposed Wall Street right of way extending east across the railroad tracks was prepared by Pacific Habitat Services in 2003. A wetland delineation report for the adjacent was prepared for Fanno Pointe Condos by Rhea Environmental Consultants in August 2002. The

consolidated delineations are shown in the existing conditions drawing as part of the DSL and Army Corps permit application (Attachment 5 – Sheet 2a and 2b).

The extent of the vegetated corridors as determined by CWS are shown in the applicant's Attachment 11. The applicant has submitted a report by Fishman Environmental Services (included in the DSL/Army Corps Permit, attachment 5) and maps from a survey performed by DeHaas and Associates, attachment 11. This criterion is satisfied.

18.775.070 Sensitive Lands Permits

Approval criteria for various kinds of sensitive areas are presented in Sections 18.775.070B-18.775.070E.

18.775.070A. Permits Required

A sensitive lands permit is required since the applicant is proposing improvements within sensitive lands areas, including drainageways and wetlands.

18.775.070B. Within the 100-year floodplain

While the roadway improvements are not located within the floodplain, portions of the stream restoration and plantings will be located within the floodplain. However per Section 18.775.020 C2, stream and wetland restoration and enhancement programs performed under the direction of the City are exempt from the sensitive lands provisions.

18.775.070D. Within drainageways.

The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:

1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;

The applicant has conducted an alternatives analysis for the project that demonstrates that the proposed impacts are the minimum practicable for the project goal (Attachment 6). In addition to selecting the most feasible and least impacting road alignment, impacts are further reduced by removing much of the planter strip along the south side of the road to maintain as great a distance as possible from the resource. Phase 1 of the project was recently redesigned to reduce the impacts on sensitive lands to minimize disturbances to the greatest extent possible given the project requirements. The length of the proposed roadway was reduced from 425 feet to 350 feet, thus reducing the vegetated corridor impacts for Phase 1 from 24,274 sf to 18,429 sf (0.42 acres). The proposed vegetated corridor impacts are summarized in the file (Attachment 11, Figure 1). The redesigned Phase 1 also includes a retaining wall along the eastern edge of the Fanno Pointe Condos access to minimize the amount of vegetated corridor and wetland impact. A vegetated corridor mitigation plan has been approved by Clean Water Services as part of the issued Service Provider Letter. This criteria is satisfied.

2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

The applicant has submitted an erosion control plan (refer to Attachment 4D) with final construction documents which includes erosion control features and notes that the erosion control measures shall comply with Erosion Prevention and Sediment Control Planning and Design Manual developed by Clean Water Services (CWS) and Field Manual for Erosion & Sediment Control prepared by ODOT. The erosion plan will address temporary and immediate effects of the construction process. The standards noted above will be adhered to during the project, or CWS may issue a stop work order until any noted problems are corrected. In addition, a planting vegetative plan meeting CWS standards (Attachment 11) will be implemented for the long term protection from soil migration.

Condition: The project will additionally meet the erosion control and water quality conditions contained in the DSL and Corps of Engineers wetland permits and in the water quality certification issued by the Department of Environmental Quality as part of the Corps of Engineers permit. Erosion control

measures shall comply with Erosion Prevention and Sediment Control Planning and Design Manual developed by Clean Water Services and the Field Manual for Erosion & Sediment Control prepared by ODOT.

3. The water flow capacity of the drainageway is not decreased;

Approximately 550 linear feet of new stream channel will be reconstructed to mitigate for the appropriate 270 linear feet of Pinebrook Creek to be impacted. As part of the Library project (and Hall Blvd. widening), basin hydrology and culver hydraulics were investigated to set the parameters for continuing stream relocation. Currently, the stream is twice culverted (24" pipe) for a length of 170 feet and not designed for fish passage. The reconfigured stream will be culverted once (57" X 38" pipe-arch for a distance of 65 feet) at the same design capacity as the Hall Blvd culvert (to carry 25-yr flows) and will meet fish passage requirements. Waterflow calculations for the Pinebrook culvert at the Fanno Pointe access were made using the Hall Boulevard flows to determine the runoff contributing to the culvert. The water surface profile plan created using the HEC-RAS river modeling program (Attachment 14 – memo from DeHass and Associates dated Dec. 2, 2005) shows the hydraulic grade line for both 2 year fish passage and 25 year storm flows would be accommodated by a 36" culvert. Given the increased capacity of removing the two smaller culverts and adding a larger (57" X 38") culvert, the application demonstrates that the water flow capacity will not be decreased by proposed improvements. This criterion has been satisfied

4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

The applicant has provided an erosion control and vegetated corridor mitigation/planting plan that addresses such measures as approved by CWS and the City of Tigard Engineering. The Phase 1 vegetated corridor replacement area is located both west and east of Fanno Creek and totals 18,829 sf. Plant quantities for this area include 482 trees and 2,411 shrubs. Disturbed areas will be planted upon completion of the construction phase. This criterion has been satisfied.

5. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;

The new culvert and remaining open channel of the reconfigured Pinebrook Creek have been designed to carry 25-year flows along with provisions for intermittent flooding into adjacent wetlands. As stated in 18.775.070 D3, the stream which is currently twice culverted (24" pipe) for a length of 170 feet will be culverted once (57"X38" pipe-arch) at a distance of 65 feet and will meet fish passage requirements. The Library project included a 30-foot wide by 100-foot long stormwater treatment swale that was constructed to accommodate the additional Wall Street impervious surface runoff, maintaining the same characteristics and capacity. Water quality calculation for the Library Project with Wall Street including swale dimensions and design parameters are included in the file (Attachment 13, Stormwater Report, Appendix D).

6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

The applicant has shown approvals from Clean Water Services (#4203), U.S. Army Corps of Engineers (Corps #200300137), and the Oregon Division of State Lands (DSL #31719-RF) approvals for both phases of this project. This criterion has been met.

7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

The property is owned by the City and has been dedicated as greenway. This project will connect the recently constructed segment of the Fanno Creek Trail on the library site with the existing segment of trail along the east side of the Fanno Pointe Condos. The conditions related to trail construction satisfy the requirements of this criterion.

18.775.070E. Within wetlands.

The Director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:

1. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the Comprehensive Plan Floodplain and Wetland Map nor is within the vegetative corridor established per "Table 3.1 Vegetative Corridor Widths: and "Appendix C: Natural Resources Assessments" of the CWS "Design and Construction Standards," for such a wetland;

The proposed encroachments will in fact impact the vegetated corridor and wetland resources identified as significant on the "Wetlands & Stream Corridor" map, thus the applicant has applied for a comprehensive plan amendment as provided for in TDC 18.775.130. In doing so, these criteria will not apply to those impact areas. The remainder of the wetlands and vegetative corridor that are beyond the project impact area will not be subject to landform alteration. Due to the proposed encroachments and proximity of construction activities to the significant wetlands and vegetated corridor, construction boundaries shall be clearly defined in order to minimize disturbance of these areas.

2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;

The applicant has conducted an alternatives analysis for the project that demonstrates that the proposed impacts are the minimum practicable for the project goal (Attachment 6). In addition to selecting the most feasible and least impacting road alignment, impacts are further reduced by removing much of the planter strip along the south side of the road to maintain as great a distance as possible from the resource. As stated previously, the length of the proposed roadway improvement was 425 feet to 360 feet in order to avoid development within the 100-year floodplain. In addition, a retaining wall along the eastern edge of the condominium access was added to reduce the amount of wetland impact to the minimum. The total wetland impact area for Phase 1 was reduced from 0.25 acre to 0.11 acre. A wetland mitigation plan has been approved by the U.S. Army Corps of Engineers and the Oregon Department of State Lands.

3. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;

The applicant has provided a delineation of the wetland and a compensatory wetland mitigation plan, and has gained approval of a mitigation plan from U.S. Army Corps of Engineers and the Oregon Department of State Lands. The design of the reconfigured Pinebrook Creek will maintain wetland hydrology, and additionally stormwater treated by the water quality facility on the library site will be discharged into the wetland area to maintain its hydrologic characteristics and ensure that wetlands are not adversely effected by development.

Condition: The applicant shall carry out the wetland/vegetated corridor mitigation plan as approved with conditions by the Oregon Department of State Lands (DSL), U.S. Army Corps of Engineers and Clean Water Services.

4. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;

The applicant has provided an erosion control and wetland mitigation/planting plan that addresses such measures as approved by CWS and the City of Tigard Engineering Department. Phase 1 mitigation will consist of wetland creation (0.08 acres), wetland enhancement (0.29 acres) and wetland restoration (0.20 acres). A detailed plantings plan meeting CWS standards are contained in the file (Attachment 11). Disturbed areas will be planted upon completion of the construction phase. This criterion has been satisfied.

5. All other sensitive lands requirements of this chapter have been met;

All remaining sensitive lands requirements of the Sensitive Lands Chapter can be achieved as indicated in

the proceeding analysis. This criterion has been satisfied.

6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

The applicant has shown approvals from Clean Water Services (#4203), U.S. Army Corps of Engineers (Corps #200300137), and the Oregon Division of State Lands (DSL #31719-RF) approvals for both phases of this project. This criterion has been met.

7. The provisions of Chapter 18.790, Tree Removal, shall be met;

An arborist report is included in the file (Attachment 9) Tree Removal provisions are addressed later under Chapter 18.790 in this report.

8. Physical Limitations and Natural Hazards, Floodplains and Wetlands, Natural Areas, and Parks, Recreation and Open Space policies of the Comprehensive Plan have been satisfied.

These policies will be addressed later in this report under Comprehensive Plan Policies. Physical Limitations and Natural Hazards and Wetlands are addressed under Policy 3.1, Floodplains are addressed under Policy 3.2, Natural Areas are addressed under Policy 3.4, and Parks, Recreation and Open Space are addressed under Policy 3.5.

18.775.090. Special Provisions for Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and South Fork of Ash Creek.

A. In order to address the requirements of Statewide Planning Goal 5 and the safe harbor provisions of Goal 5 administrative rule pertaining to wetlands, all wetlands classified as significant on the City of Tigard "Wetlands and Streams Corridors Map" are protected. No land form alternations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130.

The proposed roadway improvements for Phase 1 will impact 0.11 acres of wetlands designated as significant on the "Wetlands and Streams Corridor Map". The applicant has applied for a Comprehensive Plan Amendment under a Type IV procedure to remove Goal 5 protections from this area. The amendment criteria are addressed later in this report.

B. In order to address the requirements of Statewide Planning Goal 5 and the safe harbor provisions of Goal 5 administrative rule pertaining to riparian corridors, a standard setback distance or vegetated corridor area, measured horizontally from and parallel to the top bank is established for the Tualatin River, Fanno Creek, Ball Creek, and South Fork of Ash Creek.

The proposed roadway improvements for Phase 1 will impact 0.42 acres of vegetated corridor designated as significant on the "Wetlands and Streams Corridor Map". The applicant has applied for a Comprehensive Plan Amendment under a Type IV procedure to remove Goal 5 protections from this area. The amendment criteria are addressed later in this report.

18.775.130. Plan Amendment Option

Any owner of property affected by the Goal 5 safeharbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an Alternatives Analysis, as described in Section 3.02.5 of the CWS Design and Construction Standards. The applicant shall demonstrate that such an amendment is justified by either preparing an Environmental, Social, Economic and Energy (ESEE)

consequences analysis prepared in accordance with OAR 660-23-040 or by determining that the resource is "insignificant":

The applicant has submitted an ESEE analysis that adheres to the requirements of OAR 660-23-040. This analysis is contained in Attachment 7 of the file.

1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and the comparison with other comparable sites within the Tigard Planning Area;

The ESEE analysis was developed to address Phase 1 of the proposed Wall Street project. The applicant's analysis uses the tabular format that has been utilized by the Tualatin Basin Partners for Natural Places (the Goal 5 alliance of local governments in Washington County) which contains three scenarios; Allow, Limit, and Prohibit. The ESEE analysis follows an alternatives analysis (attachment 6) that compares other comparable sites in the planning area. The final alignment was recommended by project biologists to both minimize impacts and allow for mitigation opportunities. Once the preferred option was determined, the ESEE analysis (attachment 7) examines more thoroughly the impacts of allowing the conflicting use, identified as Alternative 2a (Connect Wall Street to Hall Boulevard at the south side of the Tigard Library Site); limit the conflicting use identified as Alternative 9 (Connect Wall Street to Hall Boulevard at the same location as the preferred alternative and shift the remaining roadway northerly to minimize impacts to Pinebrook Creek); and prohibiting the conflicting use (no build alternative).

2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;

The summary of conclusions from the ESEE analysis argues that a strict "prohibit" decision would result in strong economic, social and energy consequences. In addition to the improved (and safer) access to the Tigard Public Library and Fanno Pointe Condos, the extension of Wall Street is identified in the Tigard Transportation System Plan for its importance to the City's overall infrastructure. "Economic consequences including the continued degradation of the transportation system and the levels of service at nearby intersections. Undesirable social consequences stem from gridlock during peak hours. The energy consequences are most obvious when traffic is at a stand still and burn fuel while idling. In addition, increased energy costs to car operators, commercial and industrial traffic is a dual consequence. Both economic and energy costs result."

The applicant did not identify as a positive consequence of the "limit" alternative that it may result in increased property values (for adjacent landowners) due to the increased ability to gain enhancement or restoration through mitigation, increased access to the Fanno Creek Trail, and safer vehicle access to the sites. However, the analysis identifies positive social consequences of the "limit" alternative which include reduction of potential loss of passive recreational and educational opportunities, scenic benefits, change to area character and improved road safety.

FINDINGS: Staff finds that the application presents sufficient evidence justifying the requested comprehensive plan amendment and reconfiguration of the natural resource. The alternatives analysis identifies nine feasible road alignment options and a final proposed alignment recommended by project biologists to both minimize impacts and allow for mitigation opportunities (refer to Attachment 6). As stated earlier, Phase 1 of the Wall Street extension was recently redesigned to reduce the impacts on sensitive lands to minimize disturbances to the greatest extent possible given the project requirements.

The Biological Assessment prepared by Fishman Environmental Services asserts that extensive modifications have been made to the historic conditions of Pinebrook Creek in the project area (from the culvert under Hall Blvd. to its confluence with Fanno Creek). Negative impacts to downstream hydrology and water quality has resulted from past development, straightening and shortening of the stream channel causing bank erosion and channel alterations to Pinebrook Creek between Hall Blvd. and Fanno Creek. The Biological Assessment prepared by Fishman Environmental Services found that the associated man-made ponds adversely affect the downstream water quality of Fanno Creek and the Pinebrook Creek is currently impassable at its confluence with Fanno Creek.

This assessment found that "long term benefits of the project include improvement of fish and wildlife habitat through restoration and enhancement of the altered lower Pinebrook Creek stream channel and associate wetlands, removal of invasive and noxious species, and reconnection of Pinebrook Creek with Fanno Creek to provide fish passage." Although the assessment concedes that the removal of the on-line ponds may result in minor decreases to wildlife habitat value for some species, reconfiguring them into wetland habitat will provide a long-term net benefit to water quality and fish habitat. The report concludes that completion of the proposed mitigation activities (including the reconfiguration of Pinebrook Creek and wetlands) will create the capability for proper functioning at the site, and will likely result in an increase in the total area of properly functioning habitat available.

3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning area that can meet the specific needs of the proposed use;

To understand this issue fully, one must consider the requirements of the Transportation System Plan (connect SW Hall to SW Hunziker for east west connectivity, refer to the DKS Memo on Linkages between Hall, Hunziker and Dartmouth, Attachment 17), ODOT requirements on access spacing and the need for consolidating access on the State Highway, and the design constraints for providing adequate stacking length for left turn movements both into the library site, and onto SW Hall Boulevard (attachment 12).

As part of granting approval for the Fanno Pointe Condos and Tigard Library, ODOT required that once necessary approvals had been obtained, and the street constructed, both projects would take access from Wall Street and not Hall Boulevard. The temporary driveway to the library would be removed as part of the construction process of building Wall Street, and the temporary access to the condo project would be closed off.

To handle the traffic needs for these two projects, the applicant submitted a study analyzing the amount of turning lane stacking distance needed. Staff asked that the applicant specifically to look at the limited impacts of these two traffic generators, instead of the total demand for a fully connected street, to assess ways to minimize the initial impacts to the resource area. According to the traffic memo provided in Attachment 12, a 100 foot long westbound left-turn lane should be provided along Wall Street with a 100-165 foot transition zone east of the turn lane. The redesigned improvements will provide 300-feet to accommodate this left-turn lane and a left-turn refuge for eastbound access to the Library and a transition between the two left-turn lanes.

Considering the competing goals of resource protection and the need for permanent joint access into the library and Fanno Pointe Condos (as well as ultimately possibility of an east-west connection between SW Hall and SW Hunziker) it is clear why the use cannot be located on sites identified in the buildable land inventory. First, there is no land designated as buildable between the library and condominium properties

that could accommodate the joint accessway. Second, to have any connection between SW Hall and SW Hunziker south of City Hall, a crossing of Fanno Creek is inevitable. As stated above, the applicant examined 9 alternative alignments to minimize the impact to habitat, the floodplain, and wetlands. There are no other sites within the planning area that could accommodate the specific needs of the proposed use.

4. The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;

According to the applicant's narrative, the analysis was performed by a team from Fishman Environmental Services (FES) consisting of Stacy Benjamin (a wetland ecologists and wetland/environmental assessment project manager with a M.S. in Ecology and Evolution), and Dan Stark (a land use planner that is certified by the American Institute of Certified Planners). [FES completed the original City of Tigard Local Wetlands Inventory that resulted in the Sensitive Lands Overlay Zone, and FES staff has completed at least 20 Goal 5 projects in the State of Oregon since the early 1990's, many of which included ESEE elements."

5. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" shall be amended to remove the site from the inventory.

The applicant has submitted mapping materials including updated natural resource site locations based upon site-specific delineations of natural resources and professional land surveying. These materials may be used to update the City's sensitive lands overlay and be submitted to Metro to update regional GIS layers.

FINDINGS: Based on the analysis above, staff finds that the applicant has satisfied the applicable review criteria contained in Chapter 18.775 of the Tigard Development Code.

18.790 Tree Removal

18790.030 Tree Plan Requirement.

A. Tree plan required. A tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a subdivision, partition, site development review, planned development review or conditional use is filed.

B. The tree plan shall include the following: the location, size and species of all existing trees designated as significant; a program to save existing trees or mitigate tree removal over 12" in caliper; trees which are proposed to be removed, and; protection program defining standards and methods used by the applicant to protect the trees.

A plan for tree planting, removal and protection is not required since the applicant has filed for a comprehensive plan amendment and not a subdivision, partition, site development review, planned development or conditional use. However, the applicant has submitted a Tree Plan (Attachment 9c) prepared by Steven Goetz, a registered consulting arborist with the Pacific Resources Group, that identifies the location, size and species of existing trees; a program to save or mitigate for the trees, and protection standards and methods. The application includes an Arborist Report (on Phase 1 and 2 of the project) a tree assessment, a tree removal plan, a wetland mitigation/planting plan, an upland buffer planting plan and planting tables. This plan identifies 44 trees greater than 6" diameter. The applicant is

requesting removal of 9 trees greater than 12 inches in caliper size. As described previously, some of these trees are in sensitive lands areas and require permits to remove. The following table provides a summary:

Trees 6" or greater proposed for removal: Total = 19 trees (over 12" = 9 trees)

#3 (10" hawthorn)	#15 (26" locust)
#4 (12" hawthorn)	#21-25 (hawthorn cluster 5@12")
#6 (8", 6", 6" olive)	#27 (12" alder)
#8 (31" cedar)	#34 (8" ash)
#9 (32" cedar)	#35-36 (8", 12" ash)
#10 (10" locust)	#37 (18" ash)
#11 (10" locust)	#38 (15" ash)
#12 (9" locust)	#46 (10" locust)
#13 (6", 11" locust)	#47 (10" locust)
#14 (10" locust)	

Trees 6" or greater identified as Dead or Hazard: Total = 10 trees

#5 hazard, no permit required)	#31 (hazard, no permit required)
#7 (hazard, no permit required)	#33 (hazard, no permit required)
#17 (hazard, no permit required)	#39-40 (hazard, no permit required)
#20 (hazard, no permit required)	#50 (hazard, no permit required)
#26 (hazard, no permit required)	#53 (hazard, no permit required)

Trees 6" or greater proposed to be saved: Total = 15 trees (over 12" = 9 trees)

#18 (10" cedar)	#44 (19" birch)
#19 (14" fir)	#45 (10" locust)
#28 (12" crabapple)	#48 (16", 11", 11", 10", 10" willow)
#29 (15" willow)	#49 (14" alder)
#30 (20" ash)	#51 (10" willow)
#32 (12" ash)	#52 (9", 7", 6", 6", 5", 4" willow)
#41 (8", 6" hawthorn)	#54 (24" alder)
#42 (9", 8", 3", 3", 3" hawthorn)	

Total #of trees: 44

Total # of trees over 12" proposed for removal: 9

Total # of trees over 12" to be saved: 9

% of trees >12" retained: 50%

Total caliper inches removed: 182"

Required mitigation: 91"

B2c. Retention of 50% to 75% of existing trees over 12 inches in caliper requires that 50 percent of the trees to be removed be mitigated.

For the purposes of calculating the amount of required mitigation, the total number of trees that are greater than 12 inches diameter is 18. Nine of these trees (50%) are proposed for removal. The total number of caliper inches represented by this removal is 182 caliper inches. The amount of mitigation required is based on 50 percent of the total caliper inches removed, which equals 91 caliper inches.

The applicant's planting plan proposes mitigation that significantly exceeds the minimum requirement. The plan calls for replanting 336 caliper inches versus the 91 caliper inches required to be mitigated. This criterion is satisfied.

18.790.050 Removal permit required. Tree removal permits shall be required only for the removal of any tree which is located on or in a sensitive land area as defined by Chapter 18.775. The permit for removal of a tree shall be processed as a Type I procedure, as governed by Section 18.390.030, using the following approval criteria:

The Arborist Report indicates that 12 of the trees proposed for removal are within the sensitive land area and thus requires a tree removal permit. Of these trees, four are identified as hazardous, two are non-native species and 4 are 12" or less in diameter..

1. Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters or water quality as evidenced by an erosion control plan which precludes:
 - a. Deposits of mud, dirt, sediment or similar material exceeding 1/2 cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion;
 - b. Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site using the techniques of Chapter 5 of the Washington County Unified Sewerage Agency Environmental Protection and Erosion Control rules.

The applicant has submitted an erosion control plan (refer to Attachment 4D) with final construction documents which includes erosion control features and notes that the erosion control measures shall comply with Erosion Prevention and Sediment Control Planning and Design Manual developed by Clean Water Services and Field Manual for Erosion & Sediment Control prepared by ODOT. The erosion plan will address temporary and immediate effects of the construction process. The standards noted above will be adhered to during the project, or CWS may issue a stop work order until any noted problems are corrected. In addition, a planting vegetative plan meeting CWS standards (Attachment 11) will be implemented for the long term protection from soil migration.

2. Within stream or wetland corridors, as defined as 50 feet from the boundary of the stream or wetland, tree removal must maintain no less than a 75% canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75%.

The applicant is proposing to remove 9 viable trees, totaling 182 caliper inches, from the sensitive lands area to accommodate the roadway, and grading necessary to reconfigure Pinebrook Creek. To compensate for these removals, the area will be enhanced by replanting 104 big leaf maples, 108 Douglas firs, 29 Oregon white oaks, and 1,207 shrubs. The letter from Fishman Environmental Services (Attachment 9e in the file) states that current canopy cover in the area is 40% and that plantings within the stream and wetland corridor will result in a canopy cover greater than 40% within a few years after plant establishment. The total 10-year canopy cover estimated for these plantings is 86,322 sf and the planting area of proposed mitigation is 24,142 sf. In addition to the trees that will repopulate the area, a variety of shrubs will be planted to provide a dense foliage cover around the stream to provide the benefits of shade which in turn will help regulate thermal pollution into Fanno Creek.

FINDING: Based on the analysis above, staff finds that the applicant has satisfied the applicable review criteria contained in Chapter 18.790 of the Tigard Development Code.

Chapter 18.795. Vision Clearance:

18.795.040 B. Obstructions prohibited. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional

utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

Based on the present development and the proposed improvements, there are no current or proposed obstructions within the vision clearance area.

18.795.040 A. Arterial streets. On all designated arterial streets the visual clearance area shall not be less than 35 feet on each side of the intersection.

SW Hall Boulevard is designated as an arterial, therefore the more stringent standards will apply to both streets. The road extension plan (Attachment 4C) shows 35-foot clear view triangles to provide visual clearance at both corners of the intersection of Wall Street and Hall Blvd.

FINDING: Based on the analysis above, staff finds that the applicant has satisfied the applicable review criteria contained in Chapter 18.795 of the Tigard Development Code.

Chapter 18.810. Street and Utility Improvements:

The relevant portions of this chapter for this project are limited primarily to the required street width. Section 18.810.030.

18.810.030. Streets

A. Improvements

The purpose of Phase 1 of the Wall Street extension is to provide access to the Tigard Library and the Fanno Pointe Condominiums. The extension of Wall Street is identified in the Transportation System Plan (TSP), a subdocument to the City's Comprehensive Plan. Subsequent phases are intended to extend SW Wall Street from Hall Blvd, east to the existing Wall Street east of the railroad.

B. Creation of Rights-of-way

The right of way will be created through a deed of dedication with the construction of the proposed roadway extension.

E. Minimum rights-of-way and street widths

This provision specifies that for 3 lane collector streets with bike lanes in residential areas, a minimum 70 foot wide section is required. The applicant is proposing a 72 foot wide right of way to accommodate an additional 2 feet for a wider center turn lane. In one section on the south side of the road, the applicant is proposing to construct a curb tight sidewalk to lessen the degree of impact on the vegetative buffer. This is allowable through 18.810.070 which provides "A planter strip separation of at least five feet between the curb and the sidewalk shall be required in the design of streets, except where the following conditions exist...there are significant natural features (large trees, water features, etc) that would be destroyed if the sidewalk were located as required." In this case, additional impacts to the sensitive lands would result from providing this planter strip area. By constructing the sidewalk without the planter strip, this area can be "transferred" to the opposite side of the sidewalk and planted with materials that will be consistent with a vegetative corridor.

F. Future street plan and extension of streets

Subsequent phases of the extension of Wall Street beyond the 350-feet proposed with this project intend to extend the street across Fanno Creek to connect with Wall Street east of the railroad as identified in the Tigard Transportation System Plan.

H. Street alignments and connections

Phase 1 of the Wall Street extension is intended to provide access to the Tigard Library and Fanno Pointe Condominiums.

N. Grades and curves

According to the Plan and Profile map (Attachment 4) showing the proposed street improvements, grades

for Phase 1 of the Wall Street extension will not exceed 7%, below the standard of 12% for collector streets.

Q. Access to arterials and collectors

The project will moving access to the Tigard Library and Fanno Pointe Condominiums off of Hall Blvd, which is an arterial and onto Wall Street which is a collector without through traffic.

AC. Traffic Study

This application includes a traffic study of impacts for this proposed Wall Street extension.

The standards for street improvements are met.

18.810.050. Easements

The applicant has indicated that easements for the utilities and roadway improvements will be provided as necessary.

18.810.070. Sidewalks

Improvements proposed for this project include 6-foot wide sidewalks on both sides of the street. Due to significant natural features along the south side of the roadway, much of the planter strip was removed from the south side of the street.

18.810.080. Public Use Areas

This Wall Street extension will provide access to the Tigard Public Library and connect the north and south segments of the Fanno Creek Trail.

18.810.100. Storm Drainage

The Library project included a 30-foot wide by 100-foot long stormwater treatment swale that was constructed to accommodate the additional Wall Street impervious surface runoff, maintaining the same characteristics and capacity. Water quality calculation for the Library Project with Wall Street including swale dimensions and design parameters are included in the file (Attachment 13, Stormwater Report, Appendix D).

18.810.110. Bikeways and Pedestrian Pathways

The project includes 6-foot wide bike lanes on both sides of Wall Street as required for collector streets. Also, the segments of the Fanno Creek Trail located north and south of the site will be connected providing bicycle and pedestrian access to this pathway.

FINDING: Based on the analysis above, staff finds that the applicant has satisfied the applicable review criteria contained in Chapter 18.810 of the Tigard Development Code.

City Comprehensive Plan Policies

A review of the comprehensive plan identified the following relevant policies for this application:

Policy 2 – Citizen Involvement

2.1.1 The City shall maintain an ongoing citizen involvement program and shall ensure that citizens will be provided an opportunity to be involved in all phases of the planning process.

This policy has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. Notice was mailed to all property owners within 500 feet of the project site and notice was additionally published in the Tigard Times prior to the hearing, including a property owners of record. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. The date of the Council hearing was included in the original notice to property owners.

Two public hearings are held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided.

2.1.3 The City shall ensure that information on land use planning issues is available in an understandable form for all interested citizens.

Notice is provided in an understandable form, and contact information is provided for citizens if they have additional questions.

Policy 3 – Natural Features and Open Space

3.1 Physical Limitations and Natural Hazards and Wetlands

The City shall not allow development in areas having the following development limitations except where it can be shown that established and proven engineering techniques related to a specific site plan will make the area suitable for the proposed development. (Note: This policy does not apply to lands designated as significant wetlands on the floodplain and wetlands map.):

- a. Areas meeting the definition of wetlands under chapter 18.26 of the Community Development Code;
- b. Areas having a severe soil erosion potential;
- c. Areas subject to slumping, earth slides or movement;
- d. Areas having slopes in excess of 25%; or
- e. Areas having severe weak foundation soils.

The area impacted by the proposed improvements include part of the vegetative corridor along Pinebrook Creek and wetlands. A field study was conducted on four test pits (in 100 foot intervals) along the Wall Street alignment and findings were summarized in the submitted Geotechnical Report (Attachment 10). Soils encountered in the study were interpreted as topsoil, alluvium, organic debris associated with swampy conditions, and micaceous silt and sand. The report provides design recommendations for site preparation, excavation, and the placement and compaction of all structural fill. Based on this report, there is no indication that the area has severe soil erosion potential, earth slumping, steep slopes, or weak foundation soils. The applicant has submitted final engineered drawings and a final geotechnical review (based on an evaluation of subsurface conditions on the site) which includes the design parameters for pavement structures (based on the number of equivalent 18-kip single axle loads), pavement sections and pavement materials for the proposed roadway. (Attachment 10). The applicant has presented required approvals for impacts to sensitive lands from Clean Water Services (#4203), U.S. Army Corps of Engineers (Corps #200300137), and the Oregon Division of State Lands (DSL #31719-RF) approvals for both phases of this project. The application has been reviewed through the sensitive lands procedures which address erosion control issues. The report covers the original proposed 425-foot Wall Street extension, which was recently shortened to 350-feet to avoid the floodplain.

3.2 Floodplains

3.2.1 The City shall prohibit any land form alterations or developments in the 100-Year Floodplain which would result in any rise in elevation of the 100-Year Floodplain.

The proposed roadway and watermain extension will not be located within the 100-year floodplain. Although portions of the stream restoration and plantings will be located within the floodplain, these restoration and enhancement activities to be performed under the direction of the City are exempt from the sensitive lands provisions per Section 18.775.020 C2.

Nevertheless, the application does include a hydraulic analysis (Attachment 14) prepared by DeHass and Associates, Inc. with a memo for Phase 1 of the Wall Street extension which certifies that the proposed improvements will "cause no-rise in Fanno Creek during a 100-year flood event."

3.2.4 The City shall prohibit development within areas designated as significant wetlands on the floodplain and wetlands map. No development shall occur on property adjacent to areas designated as significant wetlands on the floodplain and wetlands map within twenty five (25) feet of the designated wetlands area. Development on property adjacent to significant wetlands shall be allowed under the planned development section of the code.

As discussed in this application report, the Development Code provides a mechanism for removing the resources from the wetland map, through a Comprehensive Plan Amendment Type IV ESEE analysis. By successfully removing these resources from the inventory, this policy would not apply.

3.2.3 Where land form alterations and development are allowed within the 100-year floodplain* outside the zero-foot rise floodway*, the City Shall Require:

b. Engineered drawings and/or documentation showing that there will be no detrimental upstream or downstream effects in the floodplain* area, and that the criteria set forth in the sensitive lands section of the code have been met (See FIS September 1981);

The Biological Assessment prepared by Fishman Environmental Services states that the project is not expected to increase erosion or flooding upstream or downstream of the project, due to the use of the water quality treatment facility (or bioswale) and energy dissipating rocked pads to prevent erosion at the point of discharge.

3.2.5 The City shall require the consideration of dedication of all undeveloped land within the 100-year floodplain plus sufficient open land for greenway purposes specifically identified for recreation within the plan.

The property already belongs to the City and/or has been dedicated as greenway. This project will connect the recently constructed segment of the Fanno Creek Trail on the library site with the existing segment of trail along the east side of the Fanno Pointe Condos.

3.4 Natural Areas

3.4.1 The City shall designate, in accordance with Goal 5, the following as areas of significant environmental concern.

- a. Significant wetlands;**
- b. Areas having educational research value, such as geologically and scientifically significant lands; and**
- c. Areas valued for their fragile character as habitats for plants, animals or aquatic life, or having endangered plant or animal species, or specific natural features, valued for the need to protect natural areas.**

These areas have been designated and are identified as being within sensitive land areas, primarily wetland and drainageways. The alternatives analysis states that the proposed alignment would impact the Pinebrook Creek riparian corridor and wetlands. Pinebrook Creek provides habitat for a variety of animals that are strictly aquatic, aquatic during one life stage, or highly dependent on the stream for life requisites. The pond has non-native mosquito fish, a variety of typical aquatic invertebrates, vascular aquatic plants and large amounts of algae (in summer). These impacts would reduce available habitat for aquatic invertebrates, frogs, water fowl, wading birds, and possibly turtles. The presence of a completed road

would introduce human activities that would have a disturbance effect on wildlife, resulting in reduced presence or activity of some wildlife species. The project proposes an upland buffer will be maintained adjacent to the wetland mitigation site and educational signs will be posted to request that the public avoid disturbing the area in order to increase the wildlife habitat function.

The Biological Assessment prepared by Fishman Environmental Services, includes a table (Table 1) summarizing the federally listed threatened and endangered species, candidate species, and species of concern potentially occurring in the Wall Street project area. Based on lists from the US Fish and Wildlife Service and the Oregon Natural Heritage Program. In 2003, Fishman staff visited the project site on four occasions to delineate wetlands, assess potential impacts, potential enhancement and mitigation areas, existing fish habitat conditions, and tour the site. In 2000, the Northwestern Pond Turtle, a federal Species of Concern (SOC) and a state critical (SC) species, was observed in the vicinity of the project site. The Biological Assessment indicates the project site contains "patches of suitable turtle habitat", however, it goes on to state that turtles have not been documented on site and were not observed during their field visits of the project site. This Assessment states that project design will include turtle conservation measure will be part of the proposed project, such as creating a turtle barrier (of fencing or dense shrubbery) along the new road. The assessment also indicates that the proposed wetland and vegetated corridor mitigation will improve access and winter cover for turtles.

The recent redesign of Phase 1 will reduce the impacts on sensitive lands to minimize disturbances to the greatest extent possible given the project requirements. The length of the proposed roadway was reduced from 425 feet to 350 feet, thus reducing the vegetated corridor impacts for Phase 1 from 24,274 sf to 18,429 sf (0.42 acres). The proposed vegetated corridor impacts are summarized in the file (Attachment 11, Figure 1). The redesigned Phase 1 also includes a retaining wall along the eastern edge of the Fanno Pointe Condos access to minimize the amount of vegetated corridor and wetland impact. Currently, the stream is twice culverted (24" pipe) for a length of 170 feet and not designed for fish passage. The reconfigured stream will be culverted once (57"X38" pipe-arch for a distance of 65 feet) at the same design capacity as the Hall Blvd culvert (to carry 25-yr flows) and will meet fish passage requirements. The realigned stream will remove the two long culverts, and will follow the historic channel.

In general, the report concluded that the "potential for direct adverse effects resulting in significant or direct mortality of a listed species is minimal with this project. Any direct effects would likely be transitory and within the ability of both juveniles and adults to bypass or temporarily leave the proposed action area."

FINDINGS: Given the conclusions of the biological assessment and the fact that Phase 1 has been redesigned to minimize the impacts to significant wetland and riparian resources, staff finds that applicant has addressed the potential adverse effects to areas of significant environmental concern.

3.4.2 The City shall:

a. Protect fish and wildlife habitat along stream corridors by managing the riparian habitat and controlling erosion, and by requiring that areas of standing trees and natural vegetation along natural drainage courses and waterways be maintained to the maximum extent possible;

This policy is addressed through the sensitive lands chapter of the development code.

d. Address Goal 5 rule Requirements pertaining to the preservation of wetlands once adequate information on the location, quality, and quantity of wetland sites is obtained. This Goal 5 review will include determining which wetland sites are ecologically and scientifically significant.

Citizens will participate in making policy recommendations for the protection and preservation of those wetland areas designated as significant. The City shall complete its Goal 5 review of wetland areas before the City's next periodic review, but no later than December 23, 1996.

The inventory of wetland areas designated as significant within the City of Tigard was completed by Fishman Environmental Services in December of 1994.

3.5 Parks, Recreation and Open Space

3.5.3 The City has designated the 100-year floodplain of Fanno Creek, its tributaries, and the Tualatin River as Greenway, Which will be the backbone of the open space system. Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area for greenway adjoining and within the floodplain.

The property already belongs to the City and/or has been dedicated as greenway. This project will connect the recently constructed segment of the Fanno Creek Trail on the library site with the existing segment of trail along the east side of the Fanno Pointe Condos.

3.5.4 The City shall provide an interconnected pedestrian/bikepath throughout the City.

This project will connect the recently constructed segment of the Fanno Creek Trail on the library site with the existing segment of trail along the east side of the Fanno Pointe Condos.

Policy 4 – Air, Water, and Land Resources

4.2.1 All development within the Tigard Urban Planning Area shall comply with applicable Federal, State and Regional water quality standards, including those contained in the Clean Water Services' Design and Construction Manual. (Rev. Ord. 02-15)

Compliance with these standards is assured through obtaining permits from the appropriate regulating agencies. Such approvals have been obtained from Clean Water Services, Division of State Lands, and the US Army Corps of Engineers.

Policy 7 – Public Facilities

7.1.1 The City shall:

- a. Prepare and implement a capital improvements program in conjunction with Washington County and the applicable service districts;**
- b. Work with the service districts to provide a coordinated system for providing services;**
- c. Provide urban services in accordance with the Comprehensive Plan to the extent of the City's financial resources;**
- d. Use the capital improvements program as a means for providing for orderly growth and the efficient use of land;**

These policies serve as the basis for the need for the Transportation System Plan (TSP), a subdocument to the City's Comprehensive Plan adopted by resolution 02-33 (effective on October 10, 2002). The TSP lays out the City's Transportation improvement needs over a 20-year planning period and directs where growth or capital projects shall occur, and allows adjacent jurisdictions to coordinate their infrastructure. The extension of SW Wall Street is identified in TSP.

7.2 Storm drainage and wastewater management

7.2.1 The City shall require as a pre-condition to development that:

a. a site development study be submitted for development in areas subject to poor drainage, ground instability or flooding which shows that the development is safe and will not create adverse off-site impacts:

The applicant has submitted detail development plans and has delineated the flood plain. The applicant's engineer has submitted a certification stating that there will be no rise in the base flood elevation, and as discussed previously, the construction will be designed to resist damage.

b. Natural drainage ways be maintained unless submitted studies show that alternative drainage solutions can solve on-site drainage problems and will ensure no adverse off-site impacts;

The applicant is proposing to realign Pinebrook Creek. While generally discouraged, the present alignment is the result of prior landforming activities that redirected the creek to a more northerly alignment. Currently, the stream is twice culverted (24" pipe) for a length of 170 feet and not designed for fish passage. The reconfigured stream will be culverted once (57"X38" pipe-arch for a distance of 65 feet) at the same design capacity as the Hall Blvd culvert (to carry 25-yr flows) and will meet fish passage requirements. The realigned stream will remove the two long culverts, and will follow the historic channel.

c. All drainage can be handled on-site or there is an alternative solution which will not increase the off-site impact;

A stormwater report prepared to evaluate the water treatment facility on the library site considers the drainage from the 1st Phase of the Wall Street extension. Drainage will be conveyed to a stormwater treatment facility and discharged into Fanno Creek.

e. Erosion control techniques be included as a part of the site development plan.

The applicant has submitted an erosion control plan (refer to Attachment 4D) with final construction documents which includes erosion control features.

Policy 8 – Transportation

8.1.1 Plan, design and construct transportation facilities in a manner which enhances the livability of Tigard by:

a. Proper location and design of transportation facilities.

This Wall Street extension will provide access to the Tigard Public Library and connect the north and south segments of the Fanno Creek Trail. The facilities have been designed and reviewed by the City's Capital Improvement Division within the Engineering Department.

b. Encouraging pedestrian accessibility by providing safe, secure and desirable pedestrian routes.

The project includes 6-foot wide bike lanes on both sides of Wall Street as required for collector streets. Also, the segments of the Fanno Creek Trail located north and south of the site will be connected providing bicycle and pedestrian access to this pathway.

c. Addressing issues of excessive speeding and through traffic on local residential streets through a neighborhood traffic program. The program should address corrective measures for existing problems and assure that development incorporates traffic calming.

Not applicable to this application. Wall Street is classified in the Transportation System Plan (TSP) as a collector which is described as providing "both access and circulation within and between residential and commercial/industrial areas." Phase 1 of the Wall Street extension will terminate west the Fanno Creek and is primarily intended to provide access to the Tigard Library and the Fanno Pointe Condominiums.

8.1.2 Provide a balanced transportation system, incorporating all modes of transportation (including motor vehicle, bicycle, pedestrian, transit and other modes)

The proposed roadway improvements will be consistent with the requirements for a "collector" as described in the TSP. Bicycle lanes, as well as motor vehicle and pedestrians are accommodated in the design.

8.1.3 Strive to achieve a safe transportation system by the development of street standards, access management policies and speed controls when constructing streets and by making street maintenance a priority and through a comprehensive program of engineering, education and enforcement.

These standards are achieved through the requirements in Chapter 18.810 of the development code.

FINDING: Based on the analysis above, staff finds that the proposed project has addressed the relevant policies contained in the Tigard Comprehensive Plan.

METRO Framework Plan

Metro Functional Plan Title 3 – Water Quality, Flood Management, and Fish/Wildlife Habitat Conservation – protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

As stated earlier in the review of applicable Development Code criteria, the Code allows for flexibility for developments when they are adjacent to natural resource areas. This is in addition to the City's, Clean Water Services, state and federal standards protecting natural resource areas. The Clean Water Services standards are intended to comply with Metro's Title 3. The proposed development, therefore, does not conflict with Title 3 requirements.

Metro Functional Plan Title 6 – Regional Accessibility (Regional Transportation Plan) – The RTP provides a regional plan for transportation improvements and requires City's plans to be consistent. The RTP also provides plans for Transit, TDM and pedestrian mobility. The RTP replaces Metro Functional Plan Title 6.

The City has adopted the Transportation System Plan which implements and adheres to the requirements of the Regional Transportation Plan.

Metro Functional Plan Title 13 – Nature in Neighborhoods – conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

Title 13 is part of the regional approach to implement Statewide Planning Goal 5. As part of the proposed project, wetlands, vegetated corridor and habitat were inventoried and delineated. An Environmental, Social, Economic and Energy (ESEE) analysis was conducted using the methodology compliant with the methods used by Metro and the Tualatin Basin Partners for Natural Places. Protections are in place via the development code restrictions. The applicant is proposing to amend the wetland inventory to remove the protection to the wetlands, and relocate the waterway. This is being done as a Comprehensive Plan Amendment per TDC Section 18.775.130 to remove the Goal 5 protections from the property. The review process also requires compensatory mitigation and reestablishment of the wetland area. Once the new wetland has been established, this will be added back into the inventory of protected sites. A thorough review by local (CWS), state (DSL), and federal (USACE) agencies has been conducted, and approvals have been issued from all three (Attachments 5 and 11).

As stated earlier in this report, the Biological Assessment prepared by Fishman Environmental Services found that completion of the proposed mitigation activities (including the reconfiguration of Pinebrook Creek and wetlands) will create the capability for proper functioning at the site, and will likely result in an increase in the total area of properly functioning habitat available.

FINDING: Based on the analysis above, staff finds that the proposed project has addressed the relevant policies contained in the Tigard Comprehensive Plan.

Statewide Planning Goals

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. A notice was mailed to all property owners within 500 feet of the project site and the notice was additionally published in the Tigard Times prior to the hearing. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. Two public hearings are held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

The Development Code implements the Comprehensive Plan. The Development Code establishes a process and policies to review changes to the Goal 5 Safe-harbor Rules consistent with Goals 2 and 5. The applicant's plan provides analysis and policies, with which to evaluate a request for amending the Code consistent with Goal 2. As discussed within this report, the proposed amendments comply with the Development Code and Comprehensive Plan criteria.

Statewide Planning Goal 5 – Natural Resources

Requires the inventory and protection of natural resources, open spaces, historic areas and sites suitable for removal and processing of mineral and aggregate resources.

This goal is met because the resources have been inventoried and delineated. Protections are in place via the development code restrictions. The applicant is proposing to amend the wetland inventory to remove

the protection to the wetlands, and relocate the waterway. This is being done as a Comprehensive Plan Amendment to remove the Goal 5 protections from the property through preparation of an Environmental, Social, Economic and Energy (ESEE) analysis. The review process also requires compensatory mitigation and reestablishment of the wetland area. Once the new wetland has been established, this will be added back into the inventory of protected sites. A thorough review by local (CWS), state (DSL), and federal (USACE) agencies has been conducted, and approvals have been issued from all three (Attachments 5 and 11).

Statewide Planning Goal 6 – Air, Water and Land Resource Quality,

This goal is intended to regulate all waste and process discharges into the air, water, or lands of the state. Waste and Process Discharges refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom.

The proposal includes a long term erosion control component through its replanting plan, and temporary impacts to soils will be controlled during the construction process. Pollution control manholes and water quality swales will be incorporated into the project to reduce point source contaminants. The combination of these efforts will ensure that this goal is met.

Statewide Planning Goal 11 – Public Facilities and Services

This goal is intended to plan and develop a timely, orderly and efficient arrangement of public facilities to serve as a framework for urban and rural development.

The temporary accessways to the Tigard Public Library and Fanno Pointe Condos has been determined unsafe by not meeting ODOT spacing standards. The proposed Wall Street extension will enhance safety and access to the Tigard Public Library and connect the north and south segments of the Fanno Creek Trail.

Statewide Planning Goal 12 - Transportation:

This goal is intended to provide and encourage a safe, convenient and economic transportation system. This Goal is implemented by Oregon Administrative Rule 660-12, which is also known as the Transportation Planning Rule (TPR).

Chapter 18.810 of the development code was recently amended to ensure consistency with both the Transportation Planning Rule, and the adopted Transportation System Plan (TSP). The applicant's proposal is the first of two phases to complete a connection to SW Hunziker from SW Hall Boulevard, which is identified in the TSP. The city is obligated to pursue improvements identified in the TSP as part of its comprehensive traffic management program. Although, the primary purpose of this project is to consolidate the accessways into the Tigard Public Library and the Fanno Pointe Condominiums off of Hall Blvd., the applicant's request is also in part to implement the objective of the TSP. Since other obstacles exist that are outside the applicant's control (namely the inability to receive approval for an at grade crossing) which prevent full connection at this time, only the first phase is being proposed. This first phase also implements the principles of the TSP by consolidating accesses along the state highway arterial (SW Hall Boulevard).

FINDING: Based on the analysis above, staff finds that the proposed amendments do not violate applicable Statewide Planning Goals.

State or Federal Regulations

Oregon Revised Statutes, ODOT Authority to Regulate Highways

Oregon Revised Statutes Chapter 374 addresses ODOT's authority to control access to state highways. The requirement that access be consolidated for the Library and Fanno Pointe complies with these statutes generally.

Oregon Revised Statutes Chapter 196 addresses general wetland requirements within the state. These statutes are administered by Division of State Lands.

Federal Clean Water Act, section 404

The clean water act is responsible for regulating impacts to wetlands and other navigable waters of the United States. The agency primarily responsible for implementing these federal statutes is the Army Corps of Engineers. The Corps has reviewed the proposal and issued an approval for wetland fill (Attachment 5).

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police Department Crime Prevention Officer has reviewed the proposal and has no objection to it. The Development Review Engineer and Public Works Project Engineer received copies of the proposal for review and submitted no comments or objections.

The City of Tigard Arborist has reviewed the proposal and has filed the following comments. Due to the fact that this area is so close to Fanno Creek and a substantial amount of land will be enhanced with native plants, I strongly recommend that any non-native trees be girdled and left standing (if safe to do so). The resulting snags will provide habitat, especially the invasive hawthorns.

Response: A condition will be set for the tree removal plan that any non-native trees shall be girdled and left as snags rather than removed to provide habitat in areas where there are no safety issues.

SECTION VIII. AGENCY COMMENTS

The US Army Corps of Engineers has reviewed the proposal as part of the wetlands permit process and submitted conditions of approval (Corps #200300137) which are included with the application.

Metro – Land use and Planning was given the opportunity to review this proposal and submitted no comments or objections.


Oregon Department of State Lands has reviewed the proposal as part of the wetlands permit process and submitted conditions of approval (DSL #31719-RF) which are included with this application.

Oregon Department of Fish and Wildlife, Department of Land Conservation and Development, Department of Environmental Quality and Department of Transportation were given the opportunity to review this proposal and submitted no comments or objections.

Clean Water Services has reviewed the proposal as part of the vegetated corridor permit process and submitted conditions of approval (#4203) which are included with this application.

Washington County Department of Land Use & Transportation has reviewed the proposal and has no objection to it.

Comcast Cable Corp, Portland General Electric and NW Natural Gas Company were given the opportunity to review this proposal and submitted no comments or objections.


PREPARED BY: Denver Igarta
Associate Planner

3-22-06
DATE


REVIEWED BY: Richard Bewersdorff
Planning Manager

3-22-06
DATE



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Denver Igarta

RE: Addendum to the Staff Report on SW Wall Street

DATE: April 25, 2006

After the staff report on the SW Wall Street extension was finalized and disseminated to members of the Planning Commission, the following factual errors were revealed.

1. Based on the application materials, the staff report indicates that the project proposes to extend SW Wall Street by 350 feet to the east of SW Hall Boulevard. Prior to the Planning Commission hearing, the applicant's representative alerted staff that the length of the proposed roadway was misstated in the project summary of their application. SW Wall Street will actually extend **360 feet** to the east of SW Hall Boulevard. The maps, technical materials and impact calculations submitted in the application were not effected by the error in the project summary. This mistake was addressed and clarification was made during the public hearing before the Planning Commission on April 3, 2006.
2. In multiple places within the staff report (pages 5, 11, 23, & 25), the two existing Pinebrook Creek culverts planned for removal are classified as 24 inch pipe for a length of 170 feet. In actuality, the culverts include a 12 inch pipe for a length of 140 feet and an 18 inch pipe for a length of 10 feet.
3. The staff report addresses Metro's Regional Accessibility Policy, formerly Title 6 of the Urban Growth Management Functional Plan. This Policy was superceded by Metro's Regional Transportation Plan (RTP) when it was adopted in 2000. All of the requirements of Title 6 have been incorporated into Chapter 6 of the RTP.

23 March, 2006

SUBJECT; PUBLIC HEARING NOTICE

Explain to me if you can how an extension of Wall St. from Hall Blvd. is going to improve access for emergency vehicles as it does nothing to address the garages and driveways issue. This is an incredible waste of tax money to future aid the business community down the line.

Add to that the impact on the proposed extension of Pinebrook Creek. The wetlands are home to the **ENDANGERED** red-legged frog, Blue Heron, Bald Eagle, etc. And just how much flooding is going to occur from Pinebrook Creek?

There is absolutely no justification for the removal of 2 huge, beautiful and healthy deodora cedars. They add protection, privacy and beauty to our property which you will be destroying.

Then there will be the increase in our property taxes and you think throwing in some fish is going to pacify us??? I don't think so.

Sincerely,
Pamela Sigler
Pamela Sigler
13694 SW Hall Blvd. 6
Tigard OR 97223

copies sent to Vannie Nguyen; Group Mackenzie; The Management Group

RECEIVED
MAR 28 2006
CITY OF TIGARD

Leander P. Clifford
8163 SW Fanno Creek Drive
Tigard, Oregon 97224
March 26, 2006

RECEIVED

APR 03 2006

**CITY OF TIGARD
PLANNING/ENGINEERING**

File Title: WALL STREET EXTENSION

To Whom it May Concern:

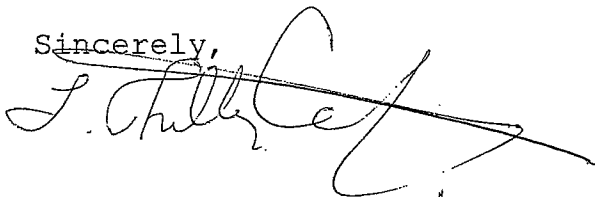
I oppose this proposed project. It will either enhance or degrade the natural habitat. Common sense holds that it will degrade the natural habitat. This project is just another example of the relentless attempts to justify encroachment upon the natural habitat.

Of course, the sub-rosa plan is to extend, piecemeal, the project across the entire wetlands, including Fanno Creek, and east of the railroad, so that a few can develop their interests and line their pockets. The plan will not resolve the issue of congestion of the Hall Blvd./99th/72nd corridors. All you have to do is experience the bumper to bumper congestion to realize that. They all impact hopelessly on each other. You still would have to get through the Hall-Hunziker intersection or 72nd - Hunziker intersection before you could use an extension of the proposed project. And residential development in the area would only add to the congestion.

Fire fighting vehicles currently need to make one right-angle turn to reach the Fanno Pointe Condominiums. The proposed project would necessitate making two right-angle turns. Not good, when every moment lost increases the risk of loss of life and additional property. The turnaround requirements at the library parking lot are moot, if the proposed project is denied. And the turnaround requirements at the Fanno Pointe Condominiums complex are already acceptable by the fire department.

Unless you're a property owner or developer seeking to make a big profit, there is no compelling or redeeming justification to pursue the proposed project.

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Clifford', with a long, sweeping horizontal stroke extending to the right.

April 2, 2006

To: City of Tigard

Re: Comments on Wall Street Extension and Comprehensive Plan Amendment 2004-00001

I are submitting comments on behalf of the Biodiversity Project of Tigard, a neighborhood all-volunteer group that works toward protection and long-term conservation of our natural resources in our community. We strive to collect data that will serve to protect plants, fish and wildlife where we live in order to increase the diversity of our natural resources and improve our quality of life for all people.

- This proposal was changed from a legislative (city-wide) land use application to a quasi-judicial land use application. We are requesting this application as it stands be denied, and that it be re-submitted as a legislative land use application. This site was purchase through a bond measure and hence paid for by all the citizens of Tigard. What happens on the site affects/concerns all of us and hence everyone should be notified of the project and its potential consequences. There are some very major proposals in this application, including a comprehensive plan amendment which would significantly alter a significant wetland resource. It is not right nor fair to only notify some people in the city.

- There is great inconsistency in this application and previous work the city has conducted on what constitutes "Wall Street". **The notice of public hearing states the application is for "Phase I", yet the application materials on file at the city state it is for "Phase II" ??** The application must be consistent in defining its scope. For example, The hydraulic analysis by De Hass Associates shows Phase I excavations and fill on the west side of Fanno Creek well beyond the 350 foot limit of Phase I/II. The tree removal plans show trees to be removed in all areas west of the Fanno Creek top of bank, beyond the scope of the 350' proposed. Under the Alternatives Analysis, it states on page 2 that "the 425 ft length is necessary.....". In the letter to CWS in the file dated 11/23 /05, it states that "The redesign of Phase I involves reducing the length of roadway from 425 feet to 360 feet.....". This application should be denied based on its failure to provide consistent and accurate information to the public in order for the public to be adequately informed and be able to comment on this project.

- We are very concerned about the costs of this project which have not been revealed in the application. To date, we estimate the city has spent over \$500,000 of public funds to obtain permits, conduct engineering studies, etc. The community has a right to know the costs so it can make an informed decision on the merits of this project.

- 18.385.040 – Sensitive Lands Permit – This project proposes to develop and also destroy sensitive wetlands located on public property. The code states that the application should be denied if the proposed development is in an area designated as significant wetland on the city's Comprehensive Plan Floodplain and Wetland Map. Since the wetlands located within the project scope are on this Map, and are designated as "significant", we ask that this application be denied. The significant wetlands in the city of Tigard are too important a resource to be lost. The entire open space tract south of the library should be restored where necessary, with native plantings, etc. We cannot afford to lose even a fraction of an acre of wetland any more in

Tigard due to the loss of extensive wetlands in the past 20 years due to runaway development and illegal encroachment.

- 18.775 - Sensitive Lands: 18.775.020C.2 - The proposed Wall Street is supposedly for providing access. This section of the code addresses exemptions for work in sensitive lands, which do apply to restoration and emergencies, etc. but do not apply to "roads". The application is claiming exemption from this part of the code for floodplain work but should be denied since it does not meet the code. 18.775.070B.7 - This part of the code requires that consideration shall be given to dedication of sufficient land area within and adjacent to the floodplain in accordance with the comprehensive plan when land development is allowed within the 100 year floodplain. We saw no evidence of this in this application.

- 18.790 - Tree Removal - Plain and simple, we cannot support ANY more tree removal on public lands, period. There were already a number of trees removed on this site prior to building of the library. All existing trees on the site MUST be preserved and protected for the value they provide for shade, cover, wildlife habitat, etc.

- The application states that the proposed road improvements are not in the 100 year floodplain. But the grading plans show that the floodplain is proposed to be filled and that the proposed roadway avoids the floodplains because they would be filled. For this, the Tigard code on floodplain development prohibitions should be applicable, and hence we request this application be denied. In addition, a letter to CWS from SWCA dated 11/23/05 states development within the 100 year floodplain has been avoided due to modifications in the project design, yet in the file under Tab 4 of the Road Extension Plan, it shows excavation in the 100 year floodplain. These inconsistencies in the proposal are significant and need to be addressed and until they are, we request the application be denied.

- 3.02.4.b.2 - Under CWS standards, only certain roads are permitted within the vegetated corridor, which includes preexisting roads. The proposed Wall Street is not a preexisting road, nor does the proposed extension cross the vegetated corridor of Pinebrook Creek from one side to the other, as such roads allowed to be developed would do in order to provide access. We therefore request this application be denied based on this failure to meet this part of the CWS standards.

- We do not believe that all of the significant wetlands were adequately assessed and mapped. On site visits in 2003-2005 showed ponded areas along Pinebrook Creek south of the existing man made pond. This natural pond (see attached photos) is a significant habitat for many wildlife species including the State listed Northern Red-legged Frog and Western Pond Turtle. The natural pond is not depicted on any of the wetland maps in the file. It is approximately 60-80 feet long by 30-40 feet wide during the winter months. We believe the omission of this natural ponded area in the wetlands report, and other parts of the application is a great error and significantly alters the impacts, mitigation requirements, etc. Thus, we believe until this is addressed, this application should be denied.

- Comprehensive Plan Amendment – The wetlands that fall within this project scope are on the city's Significant Wetlands Map, and the city proposes to remove this protection. We adamantly oppose any effort to remove this protection based on a number of reasons. First, there has already been a great loss of wetlands within the city both on private and public lands. Anything that is classified as significant should be protected, preserved and enhanced as it is a scarce and highly valuable resource. Second, the citizens made a bargain with the city that they would support the building of a library on this site when purchased, IF all the open spaces, wetlands, etc. were protected. **There was NO disclosure that a part of the wetlands, and in this case SIGNIFICANT wetlands, would ever be developed, and hence lost forever. This is an extreme violation of trust! We therefore now ask that this application be denied based on this violation of the bond measure agreement with the citizens who paid for the purchase of this site and the building of the library.**

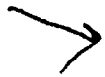
In conclusion, we must state that we adamantly oppose this project. It would have great negative impacts to the fish and wildlife that use the wetlands and forested habitat in this area. We do not support any project that would propose to take significant wetlands off the comprehensive plan, we do not support any project that proposes to fill in wetlands, and we do not support any project that proposes to remove trees. The library site was purchased as an open space and secondarily as the site for the library. Citizens do not want to lose any more of the open space on the site. The impacts of this project are far too great and costly to approve. We request this project be withdrawn and the Planning Commission deny the application.

Sincerely,



Sue Beilke, Director

The Biodiversity Project of Tigard



2/03 - Photos of natural ponded areas along
Pinebrook Creek - taken from Fanna Pt.

(a.)



2/03

6



WALL ST EXTENSION COMMENTS

3/31/05

A The application and its materials are not consistent and clear what constitutes Phase 1 and Phase 2, and what the approval covers. At one point, only 350 feet of Wall St seems to comprise Phase 1. However, in the 1/12/06 letter to Tigard from Mackenzie regarding tree removal, Phase 1 is outlined on the drawing to include tree removal in all areas west of the Fanno Creek top of bank. The application must be consistent in defining its scope. On maps associated with the DSL and Corps applications, the scope of application includes Wall St extension all the way across both Fanno Creek and the railroad. The hydraulic analysis by DeHass Associates shows Phase 1 excavations and fill on the west side of Fanno Creek well beyond the 350 foot limit of Phase 1 work defined elsewhere. The traffic study by DKS Associates is also not consistent with an application for only 350 feet of Wall St extension; it assumes a Wall St connection from Hall Blvd all the way to Hunziker Street.

B The proposed Wall St extension appears to be within the vegetated corridor of Pinebrook Creek. Section 3.02 of CWS standards states (3.02.4.b.2)) that only certain roads are permitted within the vegetated corridor. The proposed Wall St extension is not a preexisting road. Such roads allowed to be developed are those "crossing the vegetated corridor from one side to the other in order to provide access to the sensitive area or across the sensitive area." The proposed Wall St extension itself does not cross the vegetated corridor of Pinebrook Creek from one side to the other; only a narrow driveway provides access to the sensitive area (the other side is on its south, adjacent to Fanno Point Condominiums) and is not located to provide access to the sensitive area of Pinebrook Creek (in fact, access to the sensitive area is to be restricted by fencing of the sensitive area). Additionally, the application states that a retaining wall has been used on the downstream side of the access to Fanno Point Condominiums to minimize impacts on sensitive areas, but has not proposed similar retaining wall designs to minimize impact to the vegetated corridor along the proposed Wall Street or along the upstream side of the Fanno Point Condominiums access; the Tigard Code requires minimizing impacts in these areas, and retaining walls should be considered at these locations.

B' The application claims exemption from limitations on floodplain work under Tigard Code paragraph 18.775.020C.2, which concerns wetland "restoration" or "enhancement". The Wall Street extension project is for neither of these two purposes, it is for a road that would connect Hall Blvd to Hunziker Street. Further, the work in Pinebrook Creek and its wetlands is for 'relocation' of Pinebrook Creek and the restoration or enhancement claimed in the application is only done as a result of this proposed 'relocation', which is not an exempt activity.

C The proposed Wall St extension appears to encroach on the vegetated corridor of Pinebrook Creek more than allowed by CWS standard 3.02.4.a.2) – it occurs for more of the allowed 20% of the frontage length of the vegetated corridor and encroaches more than the allowed 20% of the vegetated corridor's 50-foot width.

D The proposed Pinebrook culvert at Fanno Point Access appears to rely heavily on hydrology and hydraulics engineering work done in 2003 for the Hall Blvd culvert conveying Pinebrook Creek not far away. The Fanno Point Access culvert design specifically considers the same watershed west of Hall Blvd, assuming that it has not changed in character. In fact, there have

been several significant developments of impervious surface in this watershed that should be considered in the current design. Along McDonald Street there have been several developments permitted and built since 2003. Even at the top of the watershed along 103rd, there has been a new paved parking lot installed since 2003. Additional developments are pending along McDonald Street which will add to the impervious area of the watershed. Thus, the claim in the design report (undated) that 'there is no indication that the basin will develop further' appears in error. The application should be denied until this basin assessment is corrected.

E The affidavit of posting in October, 2003 makes reference to a Plan Amendment, but the new posting at the site in March, 2006 was for a Conditional Use Permit, which is not addressed in the application at all. Proper posting is part of Tigard's development regulations and any proposed development should not be heard until the posting is corrected and the development process is followed in full. It does not appear that any neighborhood meeting or preapplication meeting has been held on the significantly changed proposal for Comprehensive Plan Amendment (Phase 1).

F The impact study for the proposed Wall St extension, which is required by the Tigard code, Section 18.390, appears to be deficient when compared against the code requirements. The code requires that the impact study "shall quantify the effect of the development on public facilities and services." In two short paragraphs on transportation impacts, not one quantification is made. For the parks system impact, the total analysis is that "the project area is not located with the City's parks system." For noise impacts, the analysis recognizes (unquantified) temporary construction impacts, but for permanent impacts simply says that the area will experience "the usual noise associated with similar sized facilities", ignoring the supposed shift in trucking routing through Tigard because of a new connection between Hall Blvd and Hunziker Street. The Tigard code further requires that "for each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems and affected private property users" – no such proposed improvements are stated. Finally, the applicant is well aware of other public facilities and systems which may be affected by the proposed development – library, law enforcement, schools, natural resources of the city, etc. – these public facilities and systems should be addressed in the impact study.

G The DKS Associates traffic study for this proposed development is 4 years old and does not reflect available data on traffic movement at the Hall/Wall intersection. Current traffic counts should be evaluated. The DKS study does not appear to include traffic from Fanno Point Condominiums in the Hall/Wall intersection analysis. Recent traffic counts at the Hall/Wall intersection (attached) find that the DKS study overestimated the traffic going to/from the library by more than 171%, 192%, 167% and 232% respectively for each of the turn lanes considered in the study. Estimates which vary from reality more than 15% should be investigated as to whether the technique is faulty or other cause. The implication of these huge errors in estimating traffic is that to serve the library and Fanno Pointe Condominiums, a much smaller road can be constructed. With such smaller road located on the northern part of the proposed grand roadway, there will be more buffer available along Pinebrook Creek, allowing compliance with the CWS buffer requirement. See attached data of recent traffic counts at Hall/Wall.

H The appropriate authorization to use the proposed area for the purposes outlined in the application is not clearly established. The easement from Mr. Fred Fields to the public for use of his Wall Street access actually limits the use of this area to "street, road and utility purposes", whereas the application dedicates a significant portion of this area to wetland purposes that are to be permanent under the CWS service provider letter conditions. The proposed use of Tax Lot 300 (the eastern half of Fanno Pointe Condominiums property) does not have any written authorization in the application; there is only a permission slip from the Fanno Pointe Condominium owners to modify Tax Lot 90000. Until authorization to develop Tax Lot 300 is obtained and until the Fields easement is modified to limit the use of the easement to protected wetland areas, this is not a complete application and should be denied.

I Contrary to the 11/23/05 memo from SWCA to CWS updating a request for a SPL, which states that 'development within the 100 year floodplain' has been avoided as a result of modifications to the project design, the Wall Street Extension (PH. 1) under Tab 4 of the application (Road Extension Plans and Figures) clearly shows excavation in the 100 year floodplain necessary to modify the location of Pinebrook Creek as it approached and joins Fanno Creek. The only guidance on this work is stated in a drawing note "modify existing channel as per field engineering"; such work does not indicate any direction from the City, a requirement of the Tigard Code. CWS Standards Section 3.13 provides some necessary guidance for this stream modification and should be cited as applicable. Similarly, the 'Sensitive Lands Review' section of the application narrative states 'The road improvements are not located within the 100 year floodplain. However, affiliated grading will be located within the 100 year floodplain'. The application and its referenced drawings should consistently identify whether the 100 year floodplain is encroached upon or not.

J The narrative portion of the application states that 'permits have been received from the US Army Corps of Engineers (Corps #200300137) and the Oregon Department of State Lands (DSL #31719-RF). However in the detailed description, it appears that such permits have not been obtained for the project as proposed; revised applications have only recently been submitted. The application should be consistent in its claims regarding permits already received.

K Tigard Code Section 18.775.030 requires that Tigard notify the Federal Insurance Administration before any alteration or relocation of watercourse as proposed. Evidence of such notification does not appear in the application; it is incomplete until such information is provided and should be denied as submitted.

L The application states that the proposed road improvement is not in the 100 year flood plain. However, the grading plans (Tab 4 of the application) clearly show that the roadway avoids the flood plain only because the floodplain is proposed to be filled. The Tigard Code prohibition on floodplain development should be applied.

M The application proposes land form alteration (stream relocation) within the 100 year floodplain on Tax Lot 300 (east of Fanno Pointe Condominiums). Such development is prohibited because this area is zoned residential and the land form alteration is not associated with community recreation uses, utilities or public support facilities as defined in Chapter 18.120 of the Tigard code (there are no definition of these terms in 18.120). See TCDC 18.775.070B.2.

N The Tigard Code at 18.775.070B.7 requires that when land development is allowed within the 100 year flood plain, consideration shall be given to the dedication of sufficient land area within and adjacent to the floodplain in accordance with the comprehensive plan. No such consideration is provided in this application; such open space is available at many locations along Fanno Creek in Tigard, and this development application should consider acquisition of such sites and dedication of them as open space as part of any approval action for the Wall St extension. Without consideration of alternative land areas, the action of Tigard is arbitrary and capricious.

O The proposed application does not consider safety impacts of the Fanno Creek Trail crossing the proposed Wall Street at grade. The proposed design constitutes an attractive nuisance and danger to public use of the Fanno Creek Trail and should be modified to minimize public safety impacts. Neither does the application consider that the traffic at the Hall/Wall intersection and associated bus stops includes a high proportion of school busses and Tri-Met busses, carrying a disproportionate number of school children. The use of the library and associated transportation by school children creates a safety conflict with the proposed industrial use of Wall St, without any safety buffers or barriers.

P The ESEE analysis documented pursuant to 18.775.130 is inadequate because there is no accurate inventory of the significance of the site proposed for development relative to other comparable resources within the Tigard planning area. The only inventory of comparable streamside resources in Tigard is over 20 years old in the existing comprehensive plan. According to OAR 660-23-040, an inventory and determination of significance is an early step in any ESEE analysis and does not exist here. Further, the ESEE analysis does not demonstrate why the proposed use of Goal 5 resource areas cannot be located instead on buildable land. It is obvious that moving the proposed Wall Street some 100 feet north would largely avoid impacting Pinebrook Creek and its vegetative buffer area.

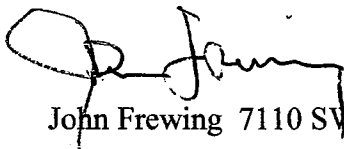
Q The Technical Memorandum on traffic design by Kittelson & Associates (Attachment 12) is deficient in that it only addresses left-turn lane storage requirements on Wall Street for year 2005, as distinguished from the 15 year (2017) evaluation provided in the traffic impact study by DKS of 2002 (as requested by ODOT).

R The DKS traffic impact study as presented should not be relied upon. Its only drawing of the library/Wall Street area (last sheet of the report) is outdated, showing a library layout and parking arrangement which was not built and showing a parking access to Hall Blvd which does not exist with the built library. Use of this layout in traffic estimates would seriously distort any delay, left turn storage and level of service calculations for the proposed Wall Street extension.

S The ESEE analysis contains improper claims of impact and necessarily should be redone: S-1 In the LIMIT alternative, the ESEE table claims as a positive social impact that road safety would be improved by "removing access to the library off of Hall Blvd." The fact is that today, even before construction of Phase 1 of the Wall Street extension, access to the library is already removed off of Hall Blvd, so it should not be counted as an impact of Phase 1 extension. S-2 The ESEE analysis fails to note in the LIMIT alternative that construction of Wall Street

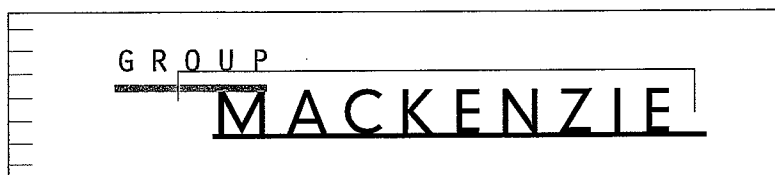
extension, Phase 1, will increase the likelihood of constructing Wall Street Phase 2 and connection of Wall Street through to Hunziker St – with the associated industrial and truck traffic on Wall Street causing more noise to Fanno Pointe residents and additional safety hazards to members of the public (including a disproportionate percentage of children) using the library. S-3 The only positive economic impact of the LIMIT alternative is stated to be “employment and income related to construction and development activities” – such impact is only transitory (ie only during construction and development) and should not be considered because similar negative impacts of the transitory construction and development activities are not evaluated in the ESEE analysis. S-4 The negative social impact stated for the LIMIT alternative, “Potential for increased disturbance due to library traffic to Fanno Pointe residents,” is not true, because the impact of library traffic on Fanno Pointe residents has already happened with the construction of the Wall Street intersection at Hall Blvd and the associated traffic going to and from the library. S-5 A negative environmental impact of the LIMIT alternative should be added, noting that any encroachment into the sensitive areas adjacent to Pinebrook Creek and Fanno Creek will effectively narrow what is already one of the narrowest sections of the officially recognized and long protected Fanno Creek Greenway. S-6 The positive energy impact stated for the LIMIT alternative is in error because the congestion and idling times on Hall Blvd have already happened as a result of library construction and the traffic signalization at Wall Street and Hall Blvd.

T Funding arrangements for Phase 1 of the proposed Wall Street extension are not disclosed in the application. The application should discuss the relationship between city funding of engineering for an earlier attempted LID in this area and current funding of Phase 1 detailed engineering and construction. Prudent expenditure of limited City of Tigard funds is a high priority goal for Tigard City Council; wasting monies here can have a multiplied effect in voter acceptance of later funding/tax requests.



John Frewing 7110 SW Lola Lane, Tigard, OR 97223 jfrewing@teleport.com

Attachment: Wall Street Extension Traffic Survey, March 13, 2006



April 17, 2006

City of Tigard
 Attention: Denver Igarta
 13125 SW Hall Blvd
 Tigard, OR 97223-8199

Re: **Wall St**
 Project Number 2050046

Dear Denver:

It is the project team's understanding that four letters have been submitted to date regarding the Wall Street Extension project (CPA 2004-0001 / SLR 2004-00003/SLR 2006-00001/TRE 2006-00001 – 00009). These letters are from The Biodiversity Project of Tigard, John Frewing, Leander Clifford, and Pamela Sigler. The letters identify similar areas of concern. As such, the following addresses the letters by grouping similar areas of concern and providing a response to each.

Land Use Application Process: Per the application narrative and the staff report, this application includes a Comprehensive Plan Amendment to remove Goal 5 protection from the wetlands impacted by the roadway improvements. A Sensitive Lands Review is required for impacts to the wetlands and drainageways and the proposed reconfiguration of the Pinebrook Creek and to approve the mitigation proposed for these impacts. Tree Removal permits are required for the removal of trees within the Sensitive Land Area. The Comprehensive Plan Amendment is a Type III-PC process, per Section 18.380.030 of the Code. As all of the applications have been submitted concurrently, the applications are elevated to the Type I process. No Conditional Uses are requested with this application.

Authorization from all property owners was obtained, and confirmed, as part of the submittal process. Federal Insurance Administration notification will occur after the appropriate City approvals have been obtained.

Wall St Phase Clarification: The land use applications define Phase I of Wall Street as the extension from Hall Blvd to 360 ft to the east. As no other portion of Wall Street exists at this time, the Phase I title is appropriate. However, in regards to the City's Capital Improvement Program, and the planned construction, the City's engineering department titled the signal improvements previously completed as Phase I. As such, with the construction documents for this Wall St extension, it may be titled Phase Ib and/or Phase II. Regardless, only 360 ft of Wall St is proposed at this time.

Sensitive Lands :

- 18.385.040: This application includes a Comprehensive Plan Amendment to remove the Sensitive Lands designation from the wetlands and other sensitive lands within the road

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**Group
 Mackenzie,
 Incorporated**

Architecture
 Interiors
 Land Use Planning

**Group
 Mackenzie
 Engineering,
 Incorporated**

Civil/Structural
 Engineering

Transportation
 Planning

Locations:

Portland, Oregon
 Seattle, Washington
 Vancouver, Washington

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alignment. With the approval of this application, the Wetland and Stream Corridor map will be modified.

- 18.775.020C.2: Section 775.020 concerns the applicability of uses requiring a Sensitive Lands Permit. The roadway is not located within the floodplain; however the proposal includes placing limited fill, road improvements, and utilities within a wetland area and a natural drainageway. In addition, wetland mitigation, including creation and enhancement is located within the floodplain. Per subsection 020C.2, stream restoration and plantings are permitted within the floodplain. Regardless, a Sensitive Lands Permit has been requested and no exemptions have been claimed.
- 18.775.070B.7 – This section requires the consideration of dedication of open land area within and adjacent to the floodplain that includes portions at a suitable elevation for pedestrian and bicycle pathways. Per the application and staff report, the project includes a segment of the Fanno Creek Trail and the dedication of greenway.

100-year Floodplain: Construction of the proposed Phase 1 of the Wall Street extension does not involve grading in the 100-year floodplain for the proposed roadway. Excavation is proposed in the 100-year floodplain to conduct the wetland mitigation activities. These activities will not result in the placement of fill in the floodplain or any rise in the elevation of the 100-year flood. The comment regarding “modify existing channel as per field engineering” refers to the fact that an SWCA biologist will be present in the field during the excavation of the new stream channel to connect Pinebrook Creek to Fanno Creek in order to minimize impacts to existing natural resources in the mitigation area.

Wetland Assessment: Wetland delineations for the Wall Street extension project area were conducted by several consultants in 2002 and 2003. These wetland delineations were submitted to the Oregon Department of State Lands (DSL) for review and approval, and DSL issued concurrence letters for the wetland delineations within the project area. The calculation of proposed wetland impacts was based upon the DSL-approved wetland delineation maps. The photos taken by Ms. Beilke showing ponding south of the East Pond are located outside the footprint of the Phase 1 road extension and show the vicinity of the proposed wetland mitigation area and associated Clean Water Services vegetated corridor. No loss of wetland is proposed in these areas.

Permit modifications have been received from the Corps and DSL for the currently proposed 360-foot length of Phase 1 of the Wall Street extension. The modified Corps permit was issued on March 8, 2006, and the modified DSL permit was issued on February 8, 2006.

Clean Water Services: The project design was revised to meet Clean Water Services standards, and the project has been approved by Clean Water Services (CWS File No. 4203). The Wall Street extension project as designed is not listed as an approved use by CWS, such as a road that crosses a vegetated corridor from one side to the other, as Ms. Beilke states. Therefore, the project was required to complete Clean Water Services' Tier 2 alternatives analysis review process which requires that the applicant demonstrate the project has been

City of Tigard
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designed to minimize vegetated corridor impacts and that the project will result in a public benefit resulting from the encroachment into the vegetated corridor.

The Wall Street extension project design was revised to include a retaining wall along the downstream edge of the Fanno Pointe access Mr. Frewing states. This revision included a retaining wall, which keeps the road construction out of the 100 year flood plain and minimizes vegetated corridor impacts by utilizing a retaining wall along the downstream edge of the Fanno Pointe access as Mr. Frewing states. In addition, a curb-tight sidewalk design was utilized to eliminate the planting strip on the south side of Wall Street from Station 11+25 to Station 14+75, where the proposed roadway is in close proximity to the West Pond and the proposed location for the reconfigured Pinebrook Creek. The curb tight sidewalk design resulted in a decrease in proposed vegetated corridor impact of 1,472 square feet.

Pinebrook Creek Vegetated Corridor Encroachment: Clean Water Services allows encroachments into the vegetated corridor for up to 20% of the frontage length by 20% of the vegetated corridor width under their vegetated corridor averaging process. Since the proposed Wall Street extension encroaches further than the vegetated corridor averaging process allows, the applicant was required to complete Clean Water Services' Tier 2 alternatives analysis review process. The project has been approved by Clean Water Services (CWS File No. 4203).

Pinebrook Creek Culvert – The upstream contribution used in hydraulic calculations for sizing the Pinebrook culvert was based upon full build-out per the Comprehensive Plan and Zoning designations. Accordingly, the flow calculations are not upset by development that has occurred since 2003.

Endangered Species – The red-legged frog and great blue heron are not federally listed under the Endangered Species Act. The red-legged frog is categorized as a federal Species of Concern. Neither the red-legged frog or the great blue heron are provided with protection under the Endangered Species Act. It is possible that bald eagle may fly over the project site due to the site's proximity to the Tualatin River; however, Fanno Creek and Pinebrook Creek in the project area are not large enough water resources to provide habitat for the bald eagle. The bald eagle is a threatened species, not an endangered species.

Tree Removal – Trees proposed for removal include the minimum amount necessary. It should be noted that while all the trees proposed for removal are listed in the application, a Tree Removal permit is only required for the nine trees within the Sensitive Land Area. In addition, as mitigation for the trees removed, the project include the planting of 336 caliper inches of trees, which is 369% of the required mitigation of 91 inches.

Removal of the 2 deodora cedars is necessary to conduct the wetland mitigation activities including relocating Pinebrook Creek and creating stream-associated wetlands. The wetland buffer adjacent to the relocated Pinebrook Creek and wetlands will be planted with hundreds of native trees and shrubs as part of the mitigation plan.

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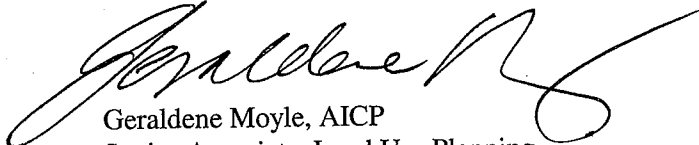
Impact Study – The impact study and ESEE analysis considered nine alternative alignments for Wall Street and evaluated the elements required by the City code. See Exhibit 6 and 7.

Traffic Analysis and Impacts – The DKS traffic study was reviewed and found acceptable by the City of Tigard Engineering Department.

Fire Truck Access – As shown on the plans, fire truck access to the Library and to the Fanno Pointe Condominiums will be via Wall St; direct access from Hall Blvd to either development will be removed. The Wall Street fire access has been reviewed by the City's Fire Marshall and has been found to meet access standards and be acceptable to the City.

The above information addresses the items raised in the letters. If you have any questions or concerns, or need additional information, please call me at 503-224-9560.

Sincerely,



Geraldene Moyle, AICP
Senior Associate, Land Use Planning

/wp

c: Vannie Ngyuen – City of Tigard
Marline DeHaas – DeHaas Engineering
Stacy Benjamin – SWCA

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
April 3, 2006**

1. CALL TO ORDER

President Inman called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Buehner, Duling, Haack, Meads

Commissioners Absent: Commissioners Munro, Caffall, and Walsh

Staff Present: Dick Bewersdorff, Planning Manager; Denver Igarta, Associate Planner; Vannie Nguyen, Engineering Manager; Jerree Lewis, Planning Commission Secretary

3. COMMUNICATION AND COMMITTEE REPORTS

The Park and Recreation Advisory Board, the CCI, and the Tree Board have not met since the last Planning Commission meeting.

The Transportation Financing Committee is supportive of the study Washington County and ODOT are doing regarding the Hall/99W intersection. They had a preliminary discussion about the 99W Corridor study. It has not had the work program approved by ODOT yet. The City Engineer will meet with the County this week to discuss the project. The Committee had a presentation on a preliminary study of the Greenburg/Hwy. 99W intersection. They will discuss this again at their next meeting and will make a presentation to Council at their worksession in April. The Planned Development Review Committee will also meet with Council at their April worksession.

4. PUBLIC HEARING

4.1 COMPREHENSIVE PLAN AMENDMENT (CPA) 2004-00001/SENSITIVE LANDS REVIEW (SLR) 2004-00003 & 2006-00001/TREE REMOVAL (TRE) 2006-00001 through 2006-00009 WALL STREET EXTENSION

REQUEST: As part of a capital improvement project, the applicant is requesting approval to build a 350-foot extension of SW Wall Street, east of SW Hall Blvd, between the Tigard Library and adjacent condominiums. As part of this extension, wetlands that

are designated as locally significant will be impacted and reconfigured. To conduct this work, a comprehensive plan amendment is required. Sensitive Land reviews are required for impacts to wetlands and the proposed reconfiguration of Pinebrook Creek, a tributary to Fanno Creek, and for drainage ways. A number of trees in the sensitive land areas will require removal to accommodate the grading and construction of the roadway requiring Tree Removal permits. The applicant has requested concurrent review of all these permit applications. The Wall Street extension will provide a joint access to both the Tigard Public Library and the Fanno Pointe Condominiums to satisfy obligations to the Oregon Department of Transportation (ODOT) which allowed temporary access to the Condominiums and the Library from Hall Boulevard. This 350-foot extension will terminate on the west side of Fanno Creek and west of its 100-year floodplain. Future extensions of SW Wall Street across Fanno Creek will require a separate review and approval by the City, State and Federal agencies. **LOCATION:** SW Wall Street unimproved right-of-way, east of SW Hall Boulevard, south of the Tigard Public Library, and north of the Fanno Pointe Condominiums; Washington County Tax Assessor's Map 2S102DD, Tax Lots 200, 300 and 90000. **ZONE:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. **COMPREHENSIVE PLAN DESIGNATION:** Medium-Density Residential and Open Space. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.385, 18.390, 18.510, 18.775, 18.790, 18.795 and 18.810.

Commissioners Buehner and Haack reported site visits.

STAFF REPORT

Associate Planner Denver Igarta reviewed the staff report on behalf of the City. He advised that the City is requesting a concurrent review of the Comprehensive Plan Amendment, Sensitive Land Review and Tree Removal to construct Phase 1 of the Wall Street extension. He gave a PowerPoint presentation (Exhibit A). The Planning Commission will be making a recommendation to Council; Council will hold a public hearing on the application on May 9th.

Igarta reported that this is a part of a capital improvement project. It is a 360-foot extension of Wall Street between the Library and the Fanno Pointe Condominiums. He noted that there was a discrepancy in the staff report which showed the extension to be 350 feet. This was a mistake in the narrative; however, the 10 feet was included in the design and all the technical aspects. The right-of-way meets the Transportation System Plan (TSP) standards for a collector street. There will be 2 travel lanes and a median to accommodate a left turn.

Access to the Library and the condos is the primary purpose of this project. In January 2003, a private developer received approval to construct the 42 unit Fanno Pointe Condominiums;

in April 2003, the City received approval to construct the Tigard Public Library. To meet ODOT Access Management Standards and the Tigard Development Code minimum spacing requirements, they planned a joint access way into both sites. ODOT authorized temporary access onto Hall Blvd. for both sites, given that the permanent joint access would be constructed with the Wall Street extension.

The proposed improvements do have impacts on sensitive lands. It does encroach into riparian corridor along Pinebrook Creek and associated wetlands identified on the "Wetland and Streams Corridor Map" as "Locally Significant". The proposed impact to the wetlands is 0.11 acre; the impact to the riparian corridor would be 0.42 acres. Wildlife impacts show initial reduction of available habitat for some species. The presence of a completed road would introduce human activities that may have a disturbance affect on wildlife.

Permits required include a Sensitive Lands permit and Tree Removal permit. The Comprehensive Plan Amendment is required due to the proposed development within the significant lands designated on the corridor and wetlands map. The result of the Comprehensive Plan Amendment would be the removal of the Goal 5 protection from the wetlands and riparian corridor. Once the new corridor and wetland have been established, they will be added back into the inventory of protected sites. In addition, a Clean Water Services service provider letter was required, as were Oregon Department of State Lands and US Army Corps of Engineers wetland permits.

Key findings as stated in the staff report are as follows:

- The proposed alignment was selected based on alternative analysis of 9 options in order to minimize impacts and allow for mitigation opportunities.
- In fall 2005, there was a redesign to further minimize the impact to sensitive land areas - the length of the proposed roadway was reduced from 425 feet to 360 feet to avoid development within the 100-year floodplain.
- As a result of the redesign, the total wetland impact area was reduced from 0.25 to 0.11 acre.
- A Wetland Mitigation Plan was submitted which calls for the creation of 0.08 acre of wetlands, enhancement of 0.29 acre, and 0.20 acre of wetland restoration.
- Due to the redesign, the total vegetated corridor impacts were reduced from 0.56 to 0.42 acre.
- The Biological Assessment prepared for the project stated that there are negative impacts to the downstream hydrology and water quality that have resulted from past development. It also noted adverse affects from the manmade ponds that are in line with Pinebrook Creek.
- The tree planting plan identifies the location, size and species of existing trees. There are 44 trees greater than 6". Nineteen of these trees will be removed; 15 trees will be saved; 10 trees were identified as dead or hazardous. Nine trees being removed are greater than 12" in caliper and require mitigation equaling 91 caliper inches.
- The planting plan calls for 336 caliper inches of tree replacement.

- Pinebrook Creek as it is currently aligned does not permit fish passage due to the confluence with Fanno Creek; there is a drop off of approximately 8 feet and 2 existing culverts. Reconfiguration and installation of a culvert will permit fish passage.
- The Biological Assessment submitted with the report identified threatened and endangered species of concern. It concluded that the "potential for direct adverse effects resulting in significant or direct mortality of a listed species is minimal with this project. Any direct effects would likely be transitory and within the ability of both juveniles and adults to bypass or temporarily leave the proposed action area."
- An Economic Social Environmental Energy (ESEE) analysis was performed to show justification for loss of natural resources. They reviewed "allowing" the conflicting use south of the Tigard Library; "limiting" the conflicting use to the proposed alignment to minimize impacts to sensitive lands; and "prohibiting" the conflicting use completely.
- The ESEE Analysis concluded that "allowing" development without limit may remove the ability to protect valuable ecological functions and could result in unmitigated alterations of natural resources.
- It also concluded that strictly "prohibiting" development would also result in strong economic, social and energy consequences, by contributing to continued degradation of the transportation system, traffic congestion at peak hours, and fuel consumption while idling.
- The ESEE report states that the proposed "limit" option provides the best site plan for ecological function and improves the resource sites.
- The conclusion of the report found that project would produce "long term benefits" for "fish and wildlife habitat through restoration and enhancement of the altered lower Pinebrook Creek stream channel and associated wetlands, removal of invasive and noxious species, and reconnection of Pinebrook Creek with Fanno Creek to provide fish passage."

Igarta advised that staff finds the proposed Wall St. extension meets applicable review criteria and presents sufficient evidence justifying the proposed impacts to sensitive lands, tree removal and the requested Comprehensive Plan Amendment. It will eliminate a hazardous access. The alignment minimizes impacts and allows for mitigation opportunities. The recent redesign minimizes disturbance of sensitive lands to the greatest extent possible to complete the project. It also provides for a connection of the Fanno Creek Trail from the Library site. The negative impacts to downstream hydrology, water quality and fish passage would be alleviated due to proposed restoration and enhancement activities.

Having reviewed the application with the applicable review criteria, staff recommends that the Planning Commission approve the proposed Wall Street project subject to the conditions listed in the staff report.

Commissioner Buehner clarified that ODOT's original approval for access to the condos was conditioned upon the City completing the Wall Street extension. She also noted that the 2 manmade ponds have stopped the creek from running in a normal manner and the

temperature of the ponds in the summer reaches a level that's incompatible with fish being able to survive. Staff responded that the fish have not been able to access the ponds because the connection with Fanno Creek has a direct drop of approximately 8 feet. There are adverse affects to both Pinebrook Creek and Fanno Creek from of the ponds. Staff acknowledged that the reconfiguration of Pinebrook Creek will pass through the east pond. A wetlands area will be created with that pond. The reconfiguration of the creek will not pass through the second pond. It would follow the historic channel in a southerly direction. Fish will be able to access the entire length of the creek.

Staff confirmed that the existing entrance to the Fanno Pointe Condominiums will be closed after the Wall Street extension is complete. TVF&R has reviewed the plan and approved the turn around points.

Staff advised that any plan for a future extension of Wall Street through the wetlands would be a major problem.

APPLICANT'S PRESENTATION

Geraldene Moyle, Group Mackenzie, 0690 SW Bancroft, Portland, OR 97239, testified that only 12 trees require a tree removal permit because they are in a sensitive lands area. On the Transportation System Plan, Wall Street is identified to go from Hall Blvd. to Hunziker Street. This project is only for 360 feet of Wall Street from Hall Blvd. to provide access to the Library and the Fanno Pointe Condominiums. This portion of Wall Street is on the Capital Improvement Program. It is funded and, upon approval, is ready to be constructed. This portion of Wall Street includes landscaping, bike lanes, trail connection, and driveway access. They have reduced the length from 425' to 360' in order to minimize impacts. It cannot be any shorter and still be able to meet turning length and stacking distance requirements. They have no issues with the conditions of approval.

Marlin DeHaas advised that the 360' extension would be just short of the 100 year floodplain. He described the street and design elements. The street will be 50' wide, curb to curb, and includes 2 travel lanes, a left turn center lane, 2 bike lanes, a planting strip between the curb and the sidewalk on each side, 6' sidewalks, lighting, storm drainage, and underground utilities. Pinebrook Creek will be realigned and restored. It will flood into the wetlands when water is high.

Stacy Benjamin, SWCA Environmental Consultants, 434 NW 6th Ave., Suite 304, Portland did the wetland permitting for this project. She detailed the realignment and restoration project for Pinebrook Creek. They have wetlands permits from DSL and the Corps of Engineers. The creek will be restored to a more natural stream channel. The 2 manmade ponds will be removed offline from the creek. The west pond will remain as a seasonal pond – it will dry up in summer. There will be some wildlife impacts, but overall, they will restore the area to a more natural condition and improve habitat.

Using Exhibits B-F, Benjamin showed project area and specifics. Twelve trees will be removed in the sensitive lands area; 9 are viable and need a tree removal permit. The City's tree mitigation requirements call for 91 caliper inches to be mitigated. They are proposing to plant 336 caliper inches. Two hundred forty-one trees and 1207 native shrubs will be planted in the area.

Commissioner Buehner asked if the new wetland area will provide flooding relief to Fanno Creek. Benjamin said they looked at existing flows in the area and future upstream development. They sized it so it would not increase flows into Fanno Creek. There will be some overflow on Pinebrook Creek into the wetlands.

Commissioner Meads asked if there will be no parking allowed on the street. DeHaas answered that at this point, there is no parking. The applicants also clarified that the only entrance to the Library and the condos will be through the new Wall Street extension. There will be approximately 7-8 new parking spaces created at the Library. The applicants have not seen any plans to re-do the parking lot.

Vannie Nguyen, Engineering Manager, advised that the TSP calls for bike lanes. The City will have to come back and ask for a variance to add more parking spaces at the Library.

PUBLIC TESTIMONY – IN FAVOR

None

PUBLIC TESTIMONY – IN OPPOSITION

Sue Beilke, 11755 SW 114th Place, Tigard 97223 testified that she was commenting on behalf of neighbors in her community. She provided a copy of her testimony (Exhibit G). The Planning Commission and staff provided the following answers to her questions:

- People within 500' were notified of the hearing. This is a quasi-judicial application, so not everyone in the City is required to be notified.
- Phase I was for the half-street improvement and signal for the Library. This project is a part of Phase I for the whole project.
- The Planning Commission is clear on what the application includes.
- Costs of the project are not relevant to the planning phase.
- There is a stacking distance required from Wall Street onto Hall Blvd. Having a right turn close to the Wall Street/Hall Blvd. intersection into the condos wouldn't allow a viable access for people coming out of the condos turning left onto Wall Street.
- One of the conditions of the Library and the condos was that they have approval from ODOT for access. ODOT required that Wall Street be built and extended to provide access into Fanno Pointe. The existing access is temporary. The State Transportation Plan requires a certain number of feet between access ways. Those 2 State mandates

have limited the number of options for this intersection. State rules always preempt local code.

John Frewing submitted written testimony (Exhibit H).

APPLICANT'S REBUTTAL

The applicants reiterated that they already have CWS approval and DSL and Corps concurrence on their wetland delineation determination and mitigation. There will be a net gain of 0.17 acre in new wetland area. They are not filling in the flood plain; mitigation is a separate issue. The sewer line will not be disturbed.

Three consultants have done wetland delineations on the site. They were reviewed and concurred by the Department of State Lands. Stacy Benjamin said she is not sure what ponding area Beilke is referring to. She is unaware of any other wetlands area.

CWS has certain allowed uses for a road crossing a vegetated corridor. This project had to go through a more stringent review process; a Tier II alternative analysis was done where you have to prove public benefit and minimize impacts.

PUBLIC HEARING CLOSED

The Commission took a 5 minute recess to read the written testimony and then reopened the public hearing.

Commissioner Meads asked about the last 3 sentences on item #I of John Frewing's written testimony. Mr. DeHaas agreed there would be grading in the 100 year floodplain, but it would not be roadway construction. There will be grading involved with the stream restoration to create the fish weirs, etc., but there will be no fill within the flood plain.

For Item #M, staff advised that the Comprehensive Plan Amendment allows the stream relocation in a residential area. If approved, there will be an ordinance that reestablishes the new wetland as the significant wetland.

PUBLIC HEARING CLOSED

Commissioner Haack said that if this had been a "raw land" new road project, he would look at it differently. There are 2 existing projects here with imposed requirements. He thinks the staff and the applicant have come up with a best case outcome for the improvement.

Commissioner Duling agreed, saying there has been great care taken with the plan to plant all the trees and shrubs.

Commissioner Meads said she generally doesn't like to rip out habitat. This is a double edge project – there will be some destruction, but there are advantages. There will be access improvement, a net gain in wetlands area, and restoration. It looks like there will be improvement despite the disruption. There's nothing in the application that proposes extending the road across the creek over the Hunziker.

Commissioner Buehner is very pleased with the reduced length of road. She commented that she swam in the ponds as a kid. The 8' drop was created for kids to jump into creek. She is thrilled that the City is taking the affirmative action to undo this.

Commissioner Buehner moved to recommend approval of Comprehensive Plan Amendment (CPA) 2004-00001/Sensitive Lands Review (SLR) 2004-00003 & 2006-00001/Tree Removal (TRE) 2006-00001 through 2006-00009 for the Wall Street Extension, based on the testimony this evening, the staff report, and the additional written testimony submitted this evening. Commissioner Haack seconded the motion. The motion passed unanimously.

5. OTHER BUSINESS

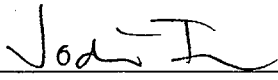
It was moved and seconded to approve the March 20, 2006 meeting minutes as submitted. The motion passed by a vote of 4-0. Commissioner Meads abstained.

6. ADJOURNMENT

The meeting adjourned at 8:33 p.m.



Jerree Lewis, Planning Commission Secretary



ATTEST: President Jodie Inman

Ex. A

WALL STREET EXTENSION

**Comprehensive Plan Amendment
Sensitive Lands Review
Tree Removal**

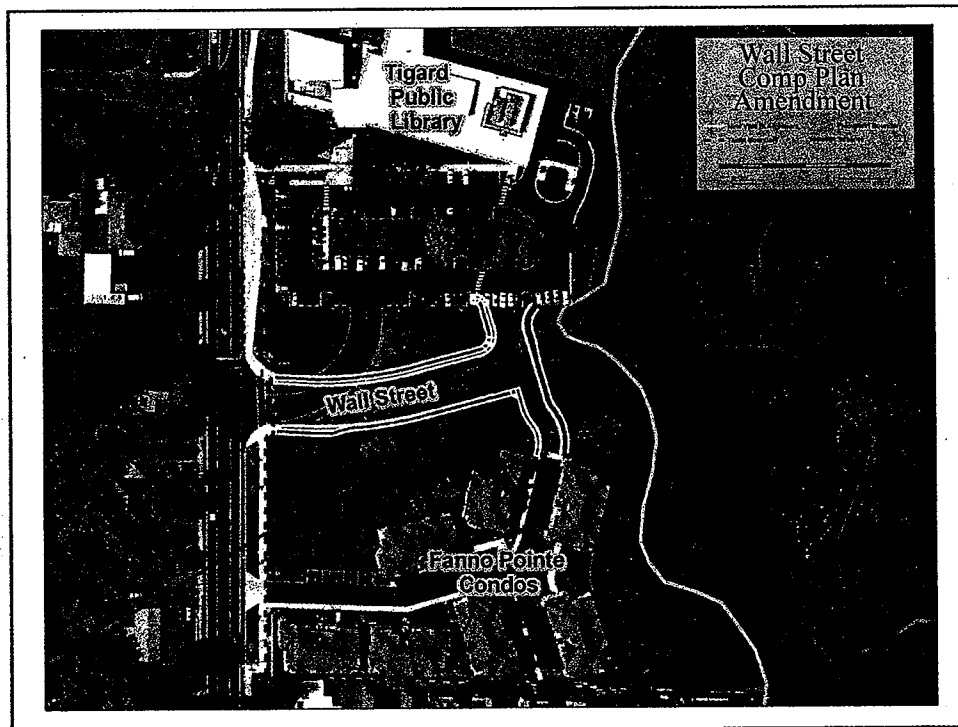
**Planning Commission Hearing
April 3, 2006**

Street Improvements

- SW Wall Street extension
- ROW width – 72 feet
- Additional width – public utility easements
and cut and fill slopes
- Section of planter strip removed

Access to Library and Condos

- 2003 – Fanno Pointe Condominiums Approval
Tigard Public Library Approval
- Joint access onto SW Wall Street
- ODOT authorized temporary access, given a permanent joint access would be constructed onto Wall Street.



Impacts

- Wetlands – 0.11 acres
- Riparian Corridor – 0.42 acres
- Wildlife – Reduction of potential habitat and disturbance from human activities

Application Submittal

- Wetlands Permits – OR DSL and Corp of Engineers
- Wetland Mitigation Plan
- Alternatives Analysis
- ESEE Analysis
- Impact Analysis
- Arborist Report (*Tree Removal & Planting Plan*)
- Geotechnical Report
- CWS Service Provider Letter
- Hydraulic Analysis
- Biological Assessment
- Traffic Study

Review Criteria

Decision based on consideration of any applicable

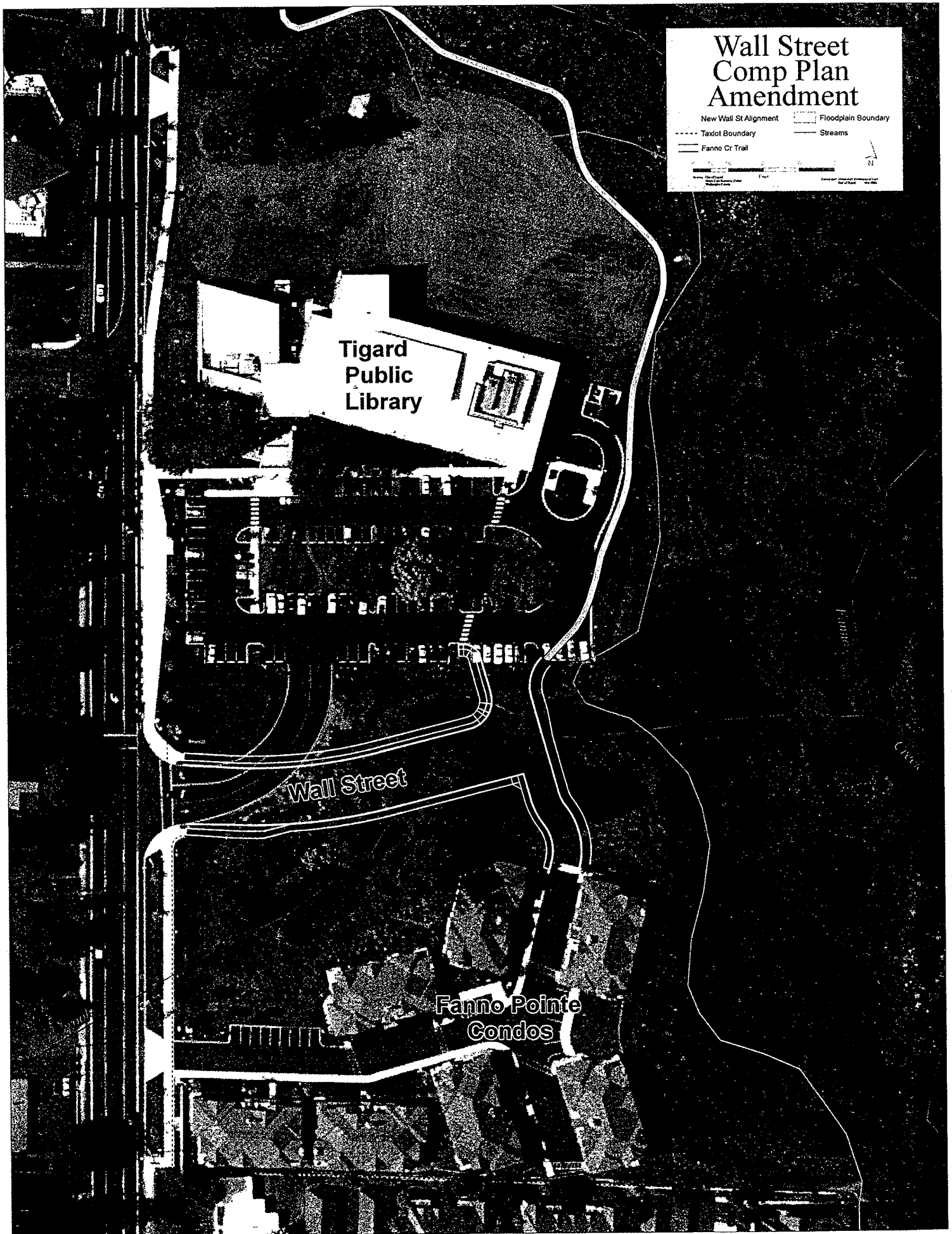
- Provisions of the City's implementing ordinances
- Comprehensive Plan policies
- Metro regulations
- Statewide Planning Goals and Guidelines
- Federal or state statutes or regulations found applicable

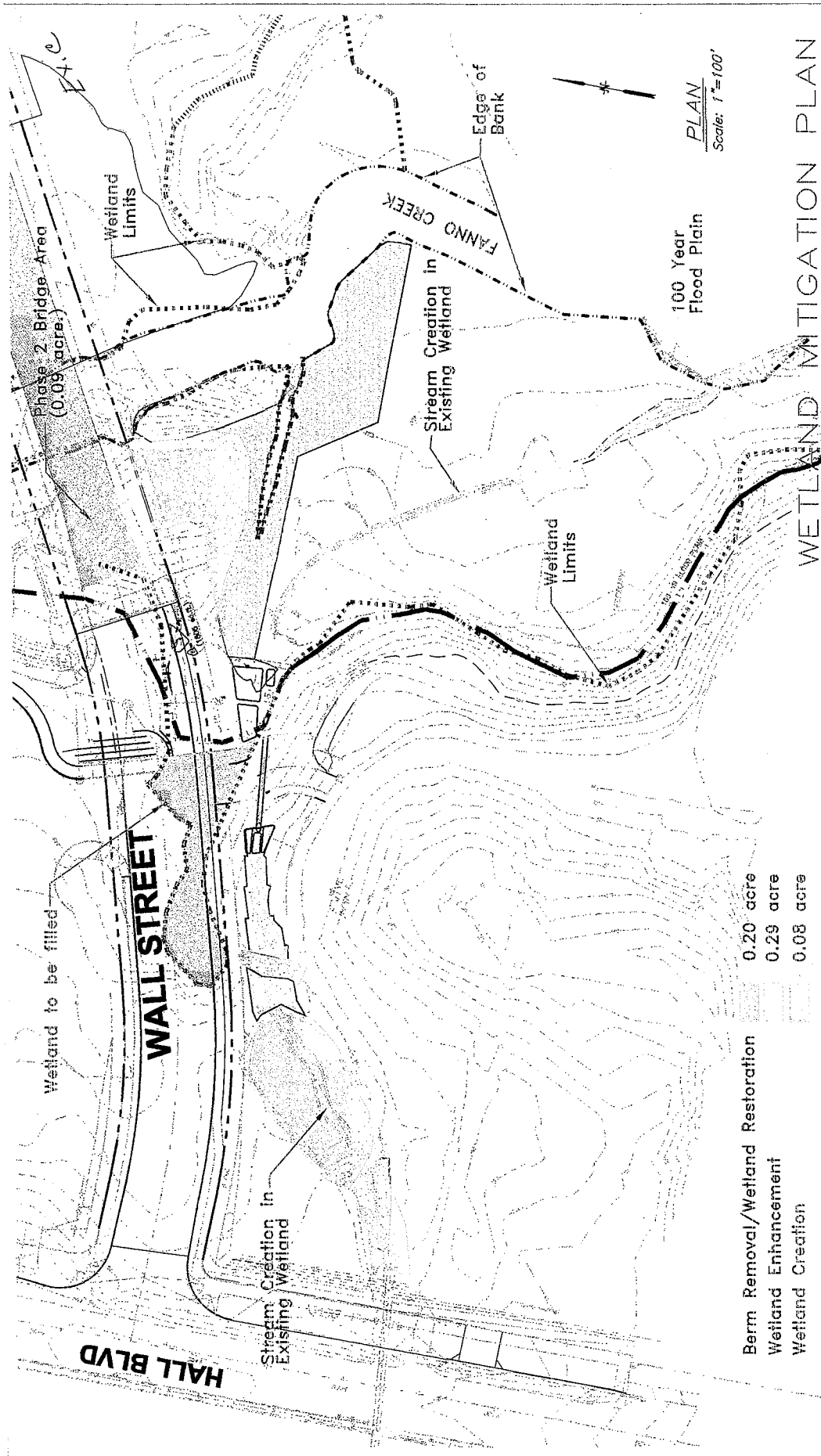
Findings

- Alignment & design
- Wetland impacts
- Riparian impacts
- Tree removal
- Fish & Wildlife impacts
- ESEE Analysis

Findings

- Improved safety of joint access
- Final alignment and redesign
- Fanno Creek trail connection
- Existing negative impacts
- Fish passage on Pinebrook Creek
- Proposed restoration and enhancement







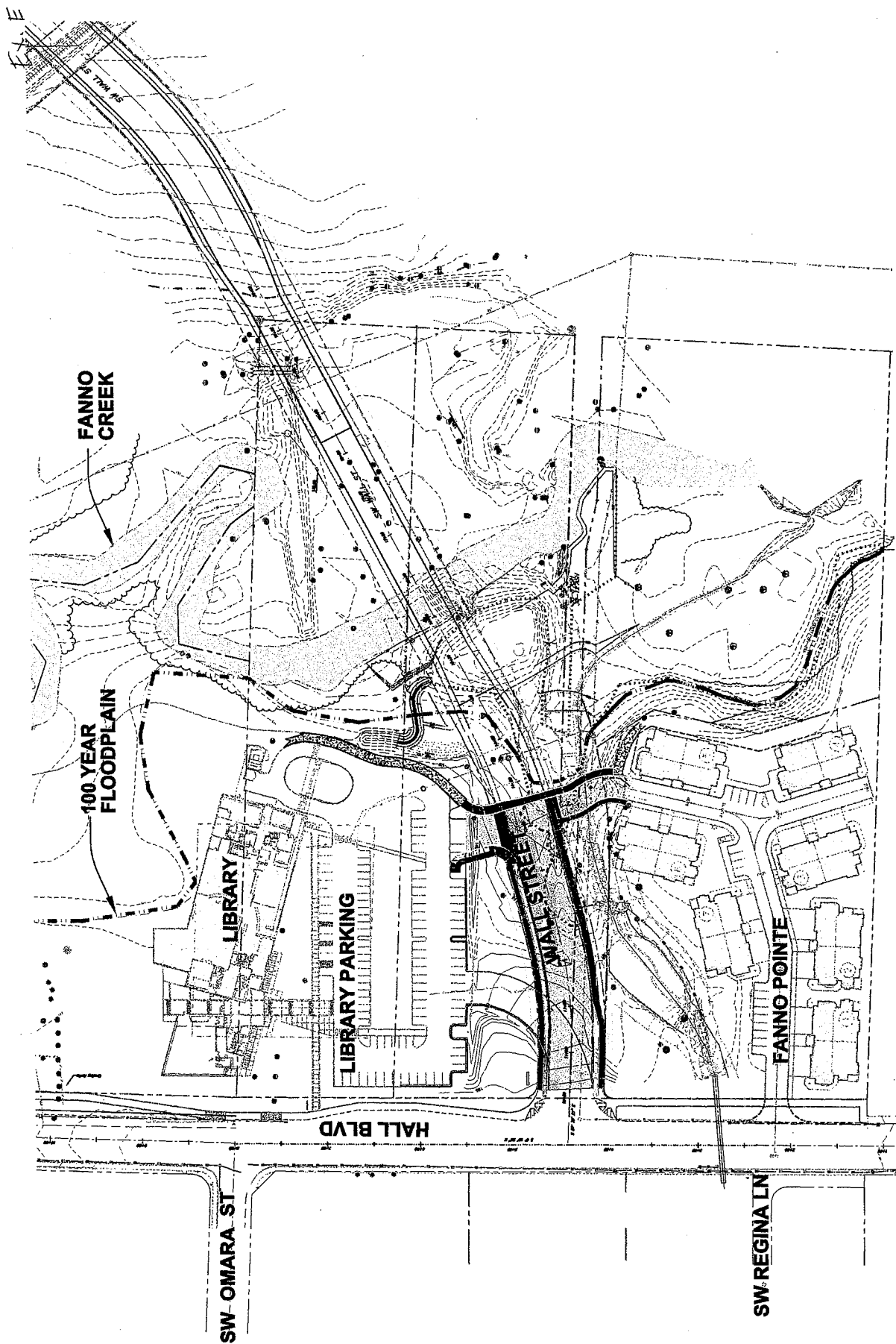


- Berm Removal/Wetland Restoration 0.20 acre
- Wetland Enhancement 0.29 acre
- Wetland Creation 0.08 acre

PLAN
Scale: 1" = 100'

WETLAND MITIGATION PLAN

		WALL STREET EXTENSION (PH. 1) STREET & UTILITIES IMPROVEMENTS		SHEET
				OF
		DETIAMS Consulting Engineers & Surveyors		
LM TVA		02.000.116		



100 YEAR FLOODPLAIN

LIBRARY

LIBRARY KIN

WALL STREET

HALL BLVD

OMARA ST

SW REGINA LN

EANNING OINTIE

Agenda Item #

Meeting Date

May 9, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Participation in the Proposed Willamette River Water Coalition (WRWC) Projects

Prepared By: Dennis Koellermeier Dept Head Okay  City Mgr Okay 

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Consider the recommendations of the Intergovernmental Water Board and direct staff to prepare a response regarding the Tigard Water Service Area's (TWSA) participation in the proposed Willamette River Water Coalition (WRWC) projects.

- The TWSA needs to decide whether it wishes to participate in two proposed WRWC projects.
- The Intergovernmental Water Board (IWB) has reviewed the issue and two letters containing the Board's recommendations are attached.

STAFF RECOMMENDATION

Approve the IWB's recommendations on the proposed WRWC projects and direct staff to prepare a response to the WRWC consistent with IWB recommendations.

KEY FACTS AND INFORMATION SUMMARY

The City of Sherwood and the Tualatin Valley Water District (TVWD) have decided to expand the Willamette River water supply system and are required to offer fellow WRWC members the opportunity to participate in the proposed expansion. As a WRWC member, the City of Tigard needs to decide whether it wishes to participate in either of these projects.

The Sherwood expansion is expected to take three years. Since the TVWD has entered into a ten-year contract with Portland, their project will likely be completed within this time period.

On March 21, 2006, the City Council and the IWB heard a presentation on the Sherwood and TVWD projects. At their April 12, 2006, IWB meeting, the Board discussed TWSA's participation in the Willamette River Water Coalition (WRWC) projects. Two recommendation letters from IWB Chairperson Bill Scheiderich are attached.

Responses regarding the Sherwood and the TVWD expansion projects are due May 10, 2006, and May 30, 2006, respectively.

OTHER ALTERNATIVES CONSIDERED

The City Council could change the IWB's recommendations or could choose to not respond at all. Lack of a response would be treated as though the TWSA had declined participation.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard City Council, Other Important Goals for 2006

- Secure Long-Range Water Source(s)

Tigard Beyond Tomorrow, Urban & Public Services

- ♦ Water & Storm Water Goal #2: "Equity position in a regional water system by 2007." - Strategy #1:
"Continue to explore all options open to Tigard where the City can buy into the source and the associated infrastructure and become a part owner of the source/system."

ATTACHMENT LIST

1. Letter to the Council regarding Sherwood's Project Proposal to Willamette River Water Coalition Members
2. Letter to the Council regarding Tualatin Valley Water District's Project Proposal to Willamette River Water Coalition Members
3. Notification to the WRWC from the City of Sherwood
4. Cover Letter and Notification to the WRWC from the TVWD

FISCAL NOTES

Should TWSA decide to participate in the either expansion, a project agreement will be adopted. This agreement will establish a timeline, participation, cost shares, operation and maintenance responsibilities, and governance.

April 24, 2006

The Tigard City Council
13125 SW Hall Blvd.
Tigard OR 97223

Dear Mayor Dirksen and City Councilors:

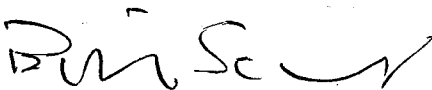
Subject: Sherwood's Project Proposal to Willamette River Water Coalition (WRWC) Members

The Intergovernmental Water Board (IWB), representing the cities of Durham, King City and Tigard and the Tigard Water District, has met and has considered participation in the City of Sherwood's expansion of the Willamette River Water System. As you know, Tigard is a member of the WRWC. According to the WRWC agreement, any member deciding to expand or modify the Willamette River water supply system is required to provide fellow members with 90-day notice; thus affording those members the opportunity to participate in the proposed expansion. The City of Sherwood has provided such notice.

Aside from some limited right-of-way or easement acquisition for shared use for a Sherwood and a regional water supply pipeline, the IWB recommends the Tigard Water Service Area (TWSA) decline to participate in the Sherwood expansion. Differences in water pressure, elevation, and routing make the Sherwood project of little direct benefit to TWSA customers. However, the Board further recommends Tigard partner with Sherwood and other WRWC members in any right-of-way or easement acquisition, where such acquisitions could provide economy-of-scale cost savings related to the development of a future high pressure pipeline. Should such opportunities exist, Sherwood has indicated its willingness to include WRWC partners in these portions of the project.

The Board wishes to thank the Council for its consideration of this matter.

Sincerely,



Bill Scheiderich
Chair, Intergovernmental Water Board

gg

c: Craig Prosser, Tigard City Manager

April 24, 2006

The Tigard City Council
13125 SW Hall Blvd.
Tigard OR 97223

Dear Mayor Dirksen and City Councilors:

Subject: Tualatin Valley Water District's (TVWD) Project Proposal to Willamette River Water Coalition (WRWC) Members

The Intergovernmental Water Board (IWB), representing the cities of Durham, King City, and Tigard and the Tigard Water District, has met and has considered participation in TVWD's expansion of the Willamette River Water System. As you know, Tigard is a member of the WRWC. According to the WRWC agreement, any member deciding to expand or modify the Willamette River water supply system is required to provide fellow members with 90-day notice; thus affording those members the opportunity to participate in the proposed expansion. The TVWD has provided such notice.

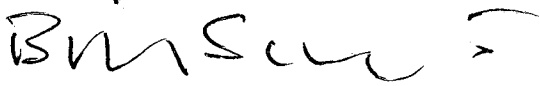
The TVWD plans to construct full-scale treatment plant and transmission main improvements. The IWB recommends the Tigard Water Service Area (TWSA) partner with the TVWD on specific components of the project. Of greatest interest to the TWSA are those improvements that need to be constructed to full capacity in order to obtain economy-of-scale cost savings which can only be achieved through a coalition of partners. Specifically, this includes the north/south regional transmission main and a few specific components of the treatment plant expansion. The north/south transmission main was originally envisioned in regional planning and would enable partners to shuttle Portland and Joint Water Commission water south as well as Willamette River water north. This critical line would interconnect three separate water systems, providing the region with more water options and supplemental water sources.

The IWB is aware that the City of Tigard has a charter amendment requiring voter approval to use the Willamette River as a drinking water source, but recommends that the City invest in these improvements and, if necessary, recover the investment by leasing the facilities to others. The TWSA will also need to reserve the right to adjust our participation level based on upcoming decisions related to other water sources. The TVWD has indicated its willingness to work with the TWSA within the context of these constraints.

Lastly, the IWB members have reflected on earlier decisions to not participate in regionally significant water supply projects and recognize these decisions were shortsighted and not in the best interest of TWSA customers. Water source planning is a long-term process that requires vision and the ability to look beyond short-term political issues.

The Board wishes to thank the Council for its consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Scheiderich". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bill Scheiderich
Chair, Intergovernmental Water Board

gg

c: Craig Prosser, Tigard City Manager

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**NOTIFICATION TO THE WILLAMETTE RIVER WATER COALITION
BY THE CITY OF SHERWOOD, OREGON**

**A PROPOSAL TO EXPAND AND MODIFY THE
WILLAMETTE RIVER WATER SUPPLY SYSTEM**

Distributed to WRWC membership on January 25, 2006

Response by WRWC members due no later than May 2, 2006

The City of Sherwood, Oregon offers this Proposal to Expand and Modify the Willamette River Water Supply System for consideration by the Willamette River Water Coalition (WRWC) membership pursuant to Section 5.1 of the 2003 WRWC Intergovernmental Agreement.

The goal of this Proposal is to coordinate with the WRWC members and the City of Wilsonville in developing the Willamette River as a long-term source of high quality drinking water at a competitive cost. Implementation of the proposed improvements (the Project) will provide the Project participants an ownership interest in a water supply system that will provide high quality water at a competitive cost in a manner that is consistent with the Regional Water Supply Plan. This Project will further support the goal of the WRWC to make efficient use of the water rights held by the WRWC for the collective benefit of WRWC members.

The City of Sherwood, Oregon proposes to expand and modify the existing Willamette River Water Supply System, consisting of the existing Willamette River Water Treatment Plant and associated supply, treatment, pumping, storage, and transmission facilities. In summary, the proposed Project includes:

1. Extension of the existing finished water transmission main from the Willamette Water Treatment Plant in Wilsonville to a location approximately half way between the cities of Wilsonville and Sherwood.
2. Construction of a new finished water reservoir at an overflow elevation of approximately 400 ft, to be located approximately half way between the cities of Wilsonville and Sherwood.
3. Construction of a new finished water transmission main from the proposed new reservoir to the City of Sherwood's existing Sunset Park reservoir.

The final scope, schedule, and budget for the Project are currently under development.

It is anticipated that the Project will result in an initial increase in demand on the existing Willamette River Water Supply System of approximately 5 million gallons per day (mgd) to serve the City of Sherwood, plus any additional demands resulting from other participants in the Project. The Project will be sized to serve the future capacity requirements of the City of Sherwood and it is intended that future increases in demand will be met using the Willamette

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River Water Supply System. In accordance with the WRWC agreement, the WRWC will transfer/assign sufficient water rights to the Project to allow it to function at planned capacity.

It is anticipated that the City of Sherwood will be the lead agency, responsible for the permitting, design, and construction of the Project. A project agreement will be negotiated between Project participants. Unless, otherwise agreed to by the parties participating in the Project, the participants will own the proposed improvements and the Project will be operated and maintained as outlined in Section 4 of the WRWC Agreement.

Section 5.1 of the WRWC Agreement requires WRWC members to notify the WRWC of their acceptance or rejection of the Proposal to Expand and Modify the Willamette River Water Supply System by no later than 90 days following receipt of the notice. Acceptance of this Proposal by a member will be considered acceptance of participation in the Project by that member. Rejection of this Proposal by a member or failure of a member to respond within 90 days will be considered a rejection of participation in the Project by that member. A final project agreement establishing participation, cost shares, operation and maintenance responsibilities, and governance will be adopted following the conclusion of the notice period.

The City of Wilsonville and the Tualatin Valley Water District (TVWD) initiated development of the Willamette River as a drinking water supply option. Over the last three years, the Willamette River Water Supply System has proven to be a reliable, cost effective source of high quality water for our communities. It is the goal of the City of Sherwood to become a partner with these agencies and the WRWC to further expand water supply from this important regional water resource.

Tualatin Valley Water District



P.O. Box 745 • Beaverton, Oregon 97075 • Phone: (503) 642-1511 • Fax: (503) 649-2733 • www.tvwd.org

Gregory E. DiLoreto
General Manager

Bernice Bagnall
Chief Financial
Officer

Debra Erickson
Manager, Human
Resources

Dale Fishback
Manager, Operations
& Field Services

Todd Heidgerken
Manager, Community
& Intergovernmental
Relations

Brenda Lennox
Manager, Customer
& Support Services

Gary Pippin
Manager,
Engineering Services

March 1, 2006

Kelly Ross
Amanda Rich
Willamette River Water Coalition
12725 SW 66th Ave., Suite 107
Portland, OR 97223

RE: Tualatin Valley Water District's Notification of Proposal to Expand the
Willamette Water Supply System

Dear Kelly and Amanda:

Pursuant to Section 5.1 of the 2003 Willamette River Water Coalition (WRWC) agreement, the Tualatin Valley Water District (TVWD) is providing you with a proposal to expand and modify the Willamette River Water Supply System. Details of the proposal are attached for your consideration. Questions regarding this proposal can be directed to TVWD Project Representative, Stu Davis at 503-848-3025 (direct) or email stu@tvwd.org.

I would request we be included on the agenda for the March 29 WRWC Board meeting in order to provide an overview of the TVWD project and to answer any questions.

It is assumed that receipt of this letter and the TVWD proposal via email will begin the 90 day period for WRWC members to declare their intentions regarding their participation in this project. Given that time is of the essence in completing the proposed project, TVWD would appreciate responses from the WRWC members in less than the 90 day period, if feasible.

Thank you for your consideration of our proposal. I can be reached at 503-848-3014 or by email, greg@tvwd.org should you have any questions.

Sincerely,

Gregory E. DiLoreto
General Manager

cc: WRWC Board Members
WRWC Staff Representatives



WATER - not to be taken for granted

**NOTIFICATION TO THE WILLAMETTE RIVER WATER COALITION
BY THE TUALATIN VALLEY WATER DISTRICT**

**A PROPOSAL TO EXPAND AND MODIFY THE
WILLAMETTE RIVER WATER SUPPLY SYSTEM**

Distributed to WRWC membership on March 1, 2006

Response by WRWC members due no later than May 30, 2006

The Tualatin Valley Water District (TVWD) offers this Proposal to Expand and Modify the Willamette River Water Supply System for consideration by the Willamette River Water Coalition (WRWC) membership pursuant to Section 5.1 of the 2003 WRWC Intergovernmental Agreement.

The goal of this Proposal is to coordinate with the WRWC members and the City of Wilsonville in developing the Willamette River as a long-term source of high quality drinking water at a competitive cost. Implementation of TVWD's proposed Water Supply Improvements Program (the Project) will provide the Project participants an ownership interest in a water supply system that will provide high quality water at a competitive cost in a manner that is consistent with the Regional Water Supply Plan. This Project will further support the goal of the WRWC to make efficient use of the water rights held by the WRWC for the collective benefit of WRWC members.

The Tualatin Valley Water District proposes to expand and modify the existing Willamette River Water Supply System, consisting of the existing Willamette River Water Treatment Plant and associated supply, intake, treatment, pumping, storage, and transmission facilities. In summary, the proposed Project includes:

1. Expansion of the existing treatment, pumping, clearwell storage, and transmission facilities at the Willamette River Water Treatment Plant in Wilsonville to add approximately 55 mgd of finished water delivery capacity to the existing treatment plant.
2. Construction of a new finished water transmission main with a capacity of approximately 70 mgd from the Willamette River Water Treatment Plant in Wilsonville to a location in the TVWD service area.
3. Possible construction of a new finished water reservoir with a capacity of approximately 20 million gallons at an overflow elevation of approximately 465 feet at the terminus of the proposed new transmission main at a location in or near the TVWD service area.

The final scope, schedule, and budget for the Project are currently under development. In addition, the Project may be discontinued or postponed at the discretion of the TVWD Board.

Notification to the Willamette River Water Coalition by
The Tualatin Valley Water District
March 1, 2006
Page 2

The approximate capacities noted above are based on meeting TVWD's requirements. These capacities would need to be increased to meet the requirements of other WRWC members wishing to participate in the Project. It is anticipated that the WRWC will allocate sufficient water rights to the Project to allow it to function at planned capacity.

It is anticipated that TVWD will be the lead agency, responsible for the permitting, design, and construction of the Project. A project agreement will be negotiated between Project participants. Unless, otherwise agreed to by the parties participating in the Project, the participants will own the proposed improvements and the Project will be operated and maintained as outlined in Section 4 of the WRWC Agreement.

Section 5.1 of the WRWC Agreement requires WRWC members to notify the WRWC of their acceptance or rejection of the Proposal to Expand and Modify the Willamette River Water Supply System by no later than 90 days following receipt of the notice. Acceptance of this Proposal by a member will be considered acceptance of participation in the Project by that member. Rejection of this Proposal by a member or failure of a member to respond within 90 days will be considered a rejection of participation in the Project by that member. Final notice of acceptance or rejection by WRWC members in less than 90 days would be especially welcome given that time is of the essence in completing the proposed Project.

A Project agreement between participants in the Project will be adopted following the conclusion of the notice period. The Project agreement will establish participation, cost shares, operation and maintenance responsibilities, and governance associated with the proposed Project.

The City of Wilsonville and the Tualatin Valley Water District initiated development of the Willamette River as a drinking water supply option. Over the last three years, the Willamette River Water Supply System has proven to be a reliable, cost effective source of high quality water for our communities. TVWD now intends to expand water supply from this important regional water resource to meet the District's current and future water supply requirements.

Agenda Item #

Meeting Date

May 9, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Report from Mayor and Council Members on the National League of Cities Congressional City Conference

Prepared By: Cathy Wheatley Dept Head Okay OK City Mgr Okay OK

ISSUE BEFORE THE COUNCIL AND KEY FACTS

The Mayor and Council members will give a report on the March National League of Cities Congressional City Conference they attended in Washington D.C.

STAFF RECOMMENDATION

N/A

KEY FACTS AND INFORMATION SUMMARY

Mayor Dirksen and Councilors Harding, Sherwood, and Woodruff attended the National League of Cities Congressional City Conference in March. The Mayor and Council members will give a report on their meeting with legislators and the leadership training seminars they attended.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal - Improve Communication and Relationship with Citizens

Tigard Beyond Tomorrow - Communication Goal: Maximize accessibility to information in a variety of formats.

ATTACHMENT LIST

None.

FISCAL NOTES

N/A